



**REPORT OF THE  
ATTORNEY GENERAL  
AND THE  
CHILD ADVOCATE**

**DEPARTMENT OF CHILDREN & FAMILIES  
OVERSIGHT OF HADDAM HILLS ACADEMY**

**MAY 30, 2002**

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# INTRODUCTION

In early 2001, a great deal of public attention was focused on Haddam Hills Academy, a facility that had formerly been licensed as a residential facility by the Department of Children and Families. During this time DCF took action to revoke the license of Haddam Hills Academy, the General Assembly's Select Committee on Children held a hearing concerning the facility, and DCF Commissioner Kristine Ragaglia provided information to the Attorney General concerning the termination of an employee at Haddam Hills that appeared to be retaliatory for the employee providing information to DCF concerning improper practices and care at Haddam Hills.

Also during the early part of 2001, information came to the attention of the Attorney General under Conn. Gen. Stat. § 4-61dd, the "whistleblower" statute, which raised extremely serious concerns with respect to DCF's oversight of Haddam Hills Academy. Information that had come to the Child Advocate's attention during the same time frame also raised substantially similar concerns. In general, information provided to the Attorney General and Child Advocate presented a substantial concern that DCF had failed to adequately protect children who were placed at Haddam Hills Academy. In response to these concerns, the Attorney General and the Child Advocate initiated a collaborative investigation.

There are few responsibilities of government as important as protecting our children. This report addresses whether DCF took appropriate steps to protect children within its care. Our conclusion is that DCF repeatedly failed to take appropriate steps to protect children who were placed at Haddam Hills Academy. The reasons for our conclusion are discussed below.

## A. EXECUTIVE SUMMARY.

Haddam Hills Academy was a facility that simply should not have been permitted to open because it was unequipped and unqualified to serve youth entrusted to its care. The decision of the Department of Children and Families to grant the facility a provisional license — despite Haddam Hills Academy's inability to meet minimum licensing standards — placed Connecticut children at substantial risk for abuse and neglect. Among DCF's initial regulatory failings with respect to the opening of Haddam Hills were the following:

- DCF's 1998 decision to place children from Long Lane School at Haddam Hills Academy did not follow DCF's usual practice of selecting a provider through a request for proposals (RFP) process. DCF officials now acknowledge that this decision was misguided, which should have been apparent to DCF management in 1998.
- Prior to Haddam Hills Academy opening at the end of May 1998, DCF was aware that Haddam Hills Academy did not have an adequate program description (written plan describing in detail how youth are to be served at the facility) or clinical staff to provide necessary services for the residents. DCF officials now acknowledge that Haddam Hills never should have been allowed to open without these essential items. Yet, Haddam Hills was issued a provisional license at the

end of May 1998 and began receiving children almost immediately. Since Haddam Hills Academy failed to meet DCF's licensing requirements, and could not achieve them without substantial effort, the provisional license should not have been issued.

- DCF succumbed to pressure from Haddam Hills Academy in 1998 to exclude a particular DCF employee with considerable expertise in overseeing these types of programs from involvement in DCF oversight of Haddam Hills Academy. DCF thereby failed in a critical protective responsibility.

Once opened, Haddam Hills Academy demonstrated an early and significant inability to properly care for the children placed there by DCF. Despite the numerous, serious and well-documented problems occurring there, DCF did nothing to protect the children under its care, instead opting for a sustained pattern of denial and delay, under the guise of discussion with Haddam Hills' management, virtually all ineffectual and counterproductive.

- In June 1998, during the first week of operation at Haddam Hills Academy, one child was absent without leave (AWOL), a very serious incident calling into question the facility's basic ability to supervise the children placed there. The AWOL, as well as concerns with respect to leadership, programs, and supervision at Haddam Hills Academy were reported to the DCF executive staff and senior management during June 1998. However, DCF failed to provide appropriate regulatory oversight of the facility.
- DCF failed to adequately investigate, review or address significant concerns regarding Haddam Hills' ability to properly care for the children entrusted to it, which were raised with DCF shortly after Haddam Hills was opened by the first principal at Haddam Hills Academy. This individual was apparently fired by Haddam Hills for voicing her concerns. DCF took no action to remedy this apparent retaliatory firing.
- Early in 1999, the DCF Hotline received allegations of a "hit squad" at Haddam Hills Academy consisting of young people who were used by certain staff members as enforcers against other youth, prompting an investigation. This investigation produced a chilling report in May 1999 substantiating the allegations. DCF personnel concluded that Haddam Hills Academy was not in compliance with DCF licensing requirements. However, instead of regulatory action or license revocation, DCF issued the facility a regular license in July 1999. Although the license was issued with some conditions ostensibly requiring corrective actions, DCF dropped the conditions a few weeks later without any evidence of any substantial improvement at the facility.
- At the very end of 1999, clinicians at Haddam Hills Academy began a significant dialogue with DCF concerning their observations of serious child care and management failings at Haddam Hills Academy. As a result, in January 2000, clinicians at Haddam Hills Academy met with DCF and discussed their concerns in depth. While complaints by Haddam Hills' own employees led some at DCF to

believe that Haddam Hills' license should be immediately revoked, no regulatory action was taken. Instead, inexplicably, DCF gave Haddam Hills Academy an early renewal of its license. The license renewal was issued despite substantial information available at DCF, and known to the DCF managers responsible for licensing, that there were serious questions about Haddam Hills Academy's ability to care for and protect the children placed there.

- An internal DCF e-mail containing information from a clinician at Haddam Hills Academy calling into question Haddam Hills' fitness to care for the children placed there was inappropriately faxed from a DCF fax machine at Long Lane School to Haddam Hills Academy on November 16, 1999. The faxing of this e-mail resulted in the retaliatory firing of the clinician by Haddam Hills Academy. DCF managers learned about this inappropriate disclosure of information to Haddam Hills very soon after it took place. Commissioner Ragaglia was aware of the e-mail being faxed to Haddam Hills as early as December 2, 1999. However, the matter was not investigated by DCF until early in 2001 as part of an investigation into concerns about possible retaliation by Haddam Hills Academy against two former employees, one of whom was named in the faxed DCF e-mail. The 2001 investigation itself was seriously flawed because it did not adequately look into the concerns initially raised by the principal fired in 1998. Also, considerable credible information critical of Haddam Hills and DCF's reaction to complaints against the facility, contained in an earlier draft report was deleted from the final report.
- There were serious internal communication issues at DCF. An effort that DCF began in 1998 to improve internal communication with respect to DCF licensed facilities, with the personal support and encouragement of Commissioner Ragaglia, ended abruptly early in 1999 due to managerial inattention following the reassignment of a particular DCF manager. A similar process was reinstated in 2001 as a response to public exposure of the problems at Haddam Hills. Internal communications problems at DCF included the Bureau of Quality Management's repeated failure to adequately respond to DCF Hotline reports, the ill-defined role of the Bureau of Quality Management and the Bureau of Juvenile Justice with respect to oversight of DCF licensed facilities, the inability of DCF program review staff and licensing staff in the Bureau of Quality Management to interact with each other, necessitating the help of an outside consultant, and DCF not having an adequate system to track facility-specific concerns raised by Juvenile Parole Officers.

It was not until well into 2001 that DCF finally acted to revoke the license for Haddam Hills Academy. This action was taken only after the Director of the DCF Hotline demanded a meeting with Commissioner Ragaglia to discuss very serious concerns about Haddam Hills Academy, which Hotline personnel had been raising since 1998 and which had been repeatedly and consistently ignored by the Bureau of Quality Management since Haddam Hills' opening.

Executive staff and senior managers at DCF were very much a part of the problem at Haddam Hills Academy. They repeatedly failed to exercise sound judgment or take timely and

appropriate action to address well documented critical issues of child care and safety at Haddam Hills. Their failures were serious and sustained. While numerous personnel at DCF devoted considerable time and attention to Haddam Hills Academy, DCF management clearly failed its responsibility to oversee the facility and protect the children who were placed there. Throughout, DCF executive staff and senior managers, specifically including Commissioner Kristine Ragaglia, Deputy Commissioner Stacey Gerber, Deputy Commissioner Thomas Gilman, Assistant Commissioner Lovie Bourne, Bureau Chief Gary Blau, and Bureau Chief Rudy Brooks, were all aware of problems at Haddam Hills Academy and failed to take timely and appropriate action to protect children there.

## **B. SUMMARY OF RECOMMENDATIONS.**

Several recommendations are made at the conclusion of this report. A summary of the recommendations is as follows:

- 1. The Department of Children and Families should critically scrutinize and reevaluate the suitability and fitness of the principals and staff of Haddam Hills Academy to engage in any other DCF licensed activity within the State of Connecticut.**
- 2. The Department of Children and Families and the Child Advocate should consider potential legal action on behalf of children who suffered harm as a result of abuse or neglect at Haddam Hills Academy.**
- 3. The State of Connecticut should pursue all possible avenues for recovering the money the State paid Haddam Hills Academy and related persons or entities for their failure to properly care for the children entrusted to them.**
- 4. The State of Connecticut should pursue action against Haddam Hills Academy for retaliation against its own employees who raised concerns about mistreatment of children at the facility.**
- 5. The actions of officials and employees of the Department of Children and Families should be reviewed to determine whether or not disciplinary action is warranted.**
- 6. Licensing and oversight of facilities serving children should be truly independent from DCF functions associated with program development and program administration, in order to ensure that DCF decision making is objective.**
- 7. The Department of Children and Families should clearly articulate to facilities serving children what DCF expects the programs to provide and then enforce those expectations.**
- 8. The management structure and protocols for internal communication at the Department of Children and Families should be revamped so timely and accurate information is presented to responsible managers**
- 9. The Department of Children and Families should not issue regular or provisional licenses to facilities that do not meet all applicable licensing requirements.**

**10. DCF should modify the licensing process in order to improve the license format and record keeping with respect to licenses.**

**11. The Department of Children and Families should develop a long term planning unit that operates separately from program administration.**

# REPORT

Our report and recommendations are set forth below:<sup>1</sup>

## I. BACKGROUND INFORMATION.

### A. INDIVIDUALS INVOLVED IN THE INVESTIGATION.

There are a number of individuals at DCF and at Haddam Hills Academy who played a significant role in the facts that are discussed in this report. This section identifies some of them for ease of reference.

#### 1. *DCF Executive Staff.*

**Kristine Ragaglia** has been Commissioner of the Department of Children & Families during all times relevant to this report. She has responsibility for all functions of DCF.

**Stacey Gerber** has been Deputy Commissioner of the Department of Children & Families during all times relevant to this report.<sup>2</sup> Her responsibilities included oversight of the Bureau of Quality Assurance and of Human Resources.

**Thomas Gilman** has been Deputy Commissioner of the Department of Children & Families during all times relevant to this report. His responsibilities included oversight of the Bureau of Juvenile Justice and of the Bureau of Child Welfare. The DCF Hotline was a program in the Bureau of Child Welfare.

**Lovie Bourne** has been Assistant Commissioner of the Department of Children & Families since January 1999, during which time her responsibilities included oversight of DCF fiscal matters. From November 1997 to January 1999, she was a Transitional Manager in the Bureau of Juvenile Justice reporting to Bureau Chief Rudy Brooks. Prior to that, from 1995 through November 1997, she was a Durational Project Manager in the Bureau of Juvenile Justice.

#### 2. *DCF Senior Managers.*

**Gary Blau, Ph.D.** was Bureau Chief for the Bureau of Quality Assurance during all times relevant to this report. His responsibilities included oversight of DCF licensing and program review functions as well as the Special Review Unit. He reported to Deputy Commissioner Stacey Gerber.

**Rudy Brooks** was Bureau Chief for the Bureau of Juvenile Justice during all times relevant to this report. His responsibilities included oversight of Long Lane School, as well as

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<sup>1</sup>Testimony under oath is in some instances referred to by the arbitrary designation "S-#" rather than identifying the name of the person who provided the testimony.

<sup>2</sup>During the early part of 1998, when she served as Chief of Staff to Commissioner Ragaglia, Gerber was an Executive Assistant using the functional title of Chief of Staff. She became Deputy Commissioner in March 1999.

program development staff in the bureau. He reported to Deputy Commissioner Thomas Gilman. He is no relation to Gayle Brooks, a staff member in the Bureau of Juvenile Justice who directly reports to him and who is also referred to in this report.

**June Wiehn** was Bureau Chief for the Bureau of Child Welfare during all times relevant to this report. Her responsibilities included oversight of the director of the DCF Hotline. She reported to Deputy Commissioner Thomas Gilman.

### **3. DCF Managers.**

**Thomas De Matteo** was Director of Law & Policy during all times relevant to this report. From January 2001 to the present, he has had oversight of DCF licensing functions. He reported to Bureau Chief Gary Blau.

**John LaChapelle** was Superintendent of Long Lane School during all times relevant to this report.<sup>3</sup> His responsibilities included oversight of Parole Services. He reported to Bureau Chief Rudy Brooks.

**Gary Minetti** was Director of Licensing during the period that included January 1998 through December 2000. During this time, he had oversight of DCF licensing and the Program Review and Evaluation Unit. From March 1999 through December 2000 he reported to Bureau Chief Gary Blau. Prior to that, he reported to Director of Quality Assurance Michael Schultz.

**Kenneth Mysogland** was Director of the DCF Hotline during all times relevant to this report. He reported to Bureau Chief June Wiehn.

**Michael Schultz, Ph.D.** was Director of Quality Assurance. From January 1998 through March 1999, his responsibilities included oversight of the Director of Licensing who had responsibility for DCF licensing and the Program Review and Evaluation Unit. During this time period, he reported to Bureau Chief Gary Blau.

**John Watts** was Assistant Superintendent of Long Lane School during all times relevant to this report. His responsibilities included direct oversight of Parole Services. He reported to Superintendent John LaChapelle.

### **4. Other DCF Personnel.**

**Brian Faraci** is a social work supervisor who was assigned to the Special Review Unit during the time of a significant DCF report that is discussed in this report. During this time he reported to Bureau Chief Gary Blau.

**James McPherson** is a DCF facilities inspector who performed licensing functions during all times relevant to this report. He reported to Gary Minetti until January 2001, at which time he began reporting to Thomas De Matteo.

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<sup>3</sup>LaChapelle is no longer Superintendent of Long Lane School. The only discussion of him in this report addresses the time that he was Superintendent.

**Bethany Occhialini** is a social work supervisor who was assigned to the Special Review Unit during the time of a significant DCF report that is discussed in this report. During this time she reported to Bureau Chief Gary Blau.

**Daniel Panchura** is a social work supervisor who was assigned to the DCF Hotline until August 1999. Since then, Panchura has been assigned to the Program Review and Evaluation Unit. At DCF Hotline, he reported, through intermediate supervisors, to Kenneth Mysogland. At the Program Review and Evaluation Unit, he reported to Gary Minetti until January 2001 and since then has reported to Arnold Trasente.

**Arnold Trasente, Ph.D.** is a psychologist who has been assigned to the Program Review and Evaluation Unit during all times relevant to this report. Until January 2001, he reported to Director of Licensing Gary Minetti. Since then he has been the supervisor of the Program Review and Evaluation Unit and has reported directly to Bureau Chief Gary Blau.

Other DCF personnel who are involved in the fact pattern here are discussed in the body of the report, as appropriate.

#### **5. *Lake Grove/ Haddam Hills Academy Personnel.***<sup>4</sup>

**Albert Brayson II** was the Chief Executive Officer of the Lake Grove Experience during all times relevant to this report. Lake Grove Experience was a trade name of Windwood Meadow, Inc., a nonprofit corporation that effectively served as the parent organization for Haddam Hills Academy and many other entities. Brayson was one of the founders and organizers of Haddam Hills Academy. Brayson's roles also included being a "member" of Haddam Hills Academy as well an owner of a substantial stake in Hadlyme Hills, LLC (the landlord for Haddam Hills Academy).

**John Claude Bahrenburg** is an attorney. During the period from the end of May 1998 to November 1998, he served as the interim executive director of Haddam Hills Academy.<sup>5</sup> Before, during and after his service as interim executive director, he has held many Lake Grove related positions, including service as legal counsel for Lake Grove Experience and for numerous Lake Grove affiliated entities, including Haddam Hills Academy. Bahrenburg's tenure as executive director at Haddam Hills Academy followed that of James Harmon and preceded that of Robert Suerken.

**James "Peter" Brown** was the executive director of Haddam Hills Academy for the period from April 1999 to January 2001. Brown's tenure as executive director at Haddam Hills Academy followed that of Robert Suerken and preceded that of Vincent Senatore.

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<sup>4</sup>Use of the name Haddam Hills Academy began shortly before the opening of the facility at the end of May 1998. Earlier DCF was dealing with individuals from the Lake Grove Experience, a trade name for Windwood Meadow, Inc., which was also involved with Lake Grove at Durham, a facility that had been operating in Durham, Connecticut for a number of years. To avoid any confusion with any of the other entities this report identifies the facility as Haddam Hills Academy in all discussion with respect to the facility.

<sup>5</sup>There have been prior periods of time when he has served as interim executive director for other entities affiliated with Lake Grove Experience.

**Guy Germano** is a New York attorney who also served as President of the Board of Directors of Haddam Hills Academy.

**James Harmon** was the initial executive director for Haddam Hills Academy in the spring of 1998. He was replaced before Haddam Hills Academy opened at the end of May 1998.

**Vincent Senatore** had been serving as the executive director of Lake Grove at Durham at the time that Haddam Hills Academy opened. He also served as executive director of Haddam Hills Academy from January 2001 until shortly before Haddam Hills Academy closed in June 2001. Senatore's tenure as executive director at Haddam Hills Academy followed that of James "Peter" Brown.

**Robert Suerken** served as interim executive director at Haddam Hills Academy from November 1998 to April 1999. Suerken's tenure as executive director at Haddam Hills Academy followed that of John Claude Bahrenburg and preceded that of James "Peter" Brown.

## **B. LICENSING PROCESS.**

As noted in this report, there were a number of occasions when DCF issued licenses to Haddam Hills Academy. We question the wisdom of many of these decisions and conclude that such DCF licenses should not have been issued. We have provided a summary of the applicable legal requirements associated with DCF licensing.

The provisions of Conn. Gen. Stat. § 17a-145 generally prohibit any person or entity from caring for or boarding a child without a license from the Commissioner of Children and Families.<sup>6</sup> Conn. Gen. Stat. § 17a-154. The Commissioner is authorized to specify the maximum number of children to be boarded or cared for. Conn. Gen. Stat. §§ 17a-145, 17a-151(a).

Under Conn. Gen. Stat. § 17a-151(a) there are two types of licenses. There is a "license" — commonly referred to in DCF as a "regular license" — and a "provisional license." A regular license may be issued or renewed for twenty-four month periods if DCF is satisfied that the applicant has met all of the conditions for the license. On the other hand, a provisional license is appropriate in some circumstances:

If after his investigation the commissioner finds that the applicant, notwithstanding good faith efforts, is not able to fully comply with all of the requirements he prescribes, *but compliance can be achieved with minimal efforts*, the commissioner may issue a provisional license for a period not to exceed sixty days.

Conn. Gen. Stat. § 17a-151(a) (emphasis added).

A provisional license can be renewed for additional sixty day periods. However, an absolute limit of one year is placed on provisional licenses. Conn. Gen. Stat. § 17a-151(a).

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<sup>6</sup>There are some limited exceptions that have no bearing on this report.

This two-tiered licensing system requires that any applicant for a regular license satisfy all of DCF's licensing requirements. A facility that cannot comply with all of the requirements, after good faith efforts, *but can achieve compliance with minimal efforts*, may be given provisional licenses for up to one year. This provides a period of not more than one year where DCF can allow a program close to meeting its licensing requirements to get the kinks out of the program.

Regulations set forth all of DCF's licensing requirements in detail. *E.g.*: Regulations of Connecticut State Agencies §§ 17a-145-60 through 17a-145-98. Of particular significance is Regulations of Connecticut State Agencies § 17a-145-63 which provides, among other things, that "[e]ach facility shall provide the staff and complementary services to enhance the physical and emotional well-being and ensure the safety of the children." Facilities are also required to provide "psychiatric and psychological services as needed" among other things. Regulations of Connecticut State Agencies § 17a-145-93. Written treatment plans are required for each child. Regulations of Connecticut State Agencies § 17a-145-94.

Restraints, seclusion, use of force and discipline are governed by Conn. Gen. Stat. § 46a-150 et seq.<sup>7</sup> as well as Regulations of Connecticut State Agencies §§ 17a-16-10 through 17a-16-12, 17a-145-88. These legal provisions strictly control such measures.

### **C. HOTLINE REPORTS.**

Haddam Hills Academy was troubled throughout its history. During every phase of this facility's existence concerns were raised about youth at the facility subjected to abuse or neglect. Also during every phase of this facility's existence, there were strong programmatic concerns.

The internal reports prepared within DCF concerning "Hotline" reports present a good summary of this information. The DCF Hotline receives allegations of abuse or neglect. Where abuse or neglect is substantiated or where programmatic concerns are revealed in connection with a Hotline investigation those matters are set forth in a report. Beginning in 1999, DCF also prepared an annual or semiannual report aggregating information from Hotline investigations. Information about Haddam Hills Academy appears in those reports.

#### **1. 1998.**

During 1998 the DCF Hotline staff started to develop concerns about Haddam Hills. Hotline Director Kenneth Mysogland and other Hotline personnel had several discussions about these concerns with DCF Director of Quality Assurance Michael Schultz. Schultz, pp. 107 - 108.

#### **2. 1999.**

There were numerous serious problems at Haddam Hills Academy during 1999. Overshadowing all of them was a DCF Hotline report concerning "hit squads" where certain staff used children as "enforcers" to control the behavior of other children at the facility. However, that report was just one of many concerns. Activity during 1999 is summarized below.

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<sup>7</sup>These statutory provisions derive from 1999 Conn. Public Acts 99-210 which first became effective June 29, 1999. The regulatory provisions which follow have been effective for many years.

On May 6, 1999 the DCF Hotline issued a report concluding that particular staff persons at Haddam Hills Academy systematically used residents in a “hit squad” against other residents. The report substantiated physical and emotional abuse, physical and emotional neglect, and program neglect at Haddam Hills Academy. Ex. 1644. This report reached the following conclusion:

The reality at Haddam Hills of adult sanctioned youth violence has created an environment of fear, secrecy, mistrust, and physical danger. Haddam Hills Academy cannot be considered a safe or viable placement for children or youth without immediate and credible corrective action and safety plans.

Ex. 1644.

Managers at DCF were uniform in describing the Hotline report concerning hit squads as among the most serious that they have seen. *E.g.*: Blau, p. 140; R. Brooks, p. 147; Minetti, p. 133. The hit squad allegations were “pretty frightening and people seemed to be pretty concerned all around.” Panchura, p. 29. After the Hotline report concerning the hit squads was completed, it was Panchura’s sense that Haddam Hills would be closed. Panchura thought that the problems were striking, and the convergence of the children’s’ stories remarkable. Panchura, pp. 145 - 146.

... Haddam Hills didn’t seem to be serving the kids very well. And it didn’t compare well with other programs at the time from my perspective. I hadn’t seen that level of that kind of disturbance in a program before.

Panchura, p. 146.

The Hotline report concerning hit squads was not the only Hotline activity during this year. Overall, during 1999, there were 19 DCF Hotline investigations concerning Haddam Hills Academy. Physical abuse was substantiated 5 times or in 26% of the investigations. Program concerns were found 17 times or in 89% of the cases. In addition to the “hit squad” report summarized above, other issues raised during 1999 included substance abuse, inappropriate restraints, inadequate supervision, staffing levels, inappropriate language, inadequate documentation and physical plant issues. Ex. 951; English, p. 30.

### **3. 2000.**

During 2000, there were 12 DCF Hotline investigations. Physical neglect was substantiated on 1 occasion or in 8% of the investigations. Sexual abuse was substantiated on 1 occasion or in 8% of the investigations. Program concerns were found 5 times or in 42% of the investigations. Issues raised included staff having inappropriate sexual relations with residents, the need to develop a positive peer culture for the children, staff criminal activity (including marijuana use while driving facility van), restraints, inappropriate language and comments by staff, and physical facilities issues. Ex. 952.

#### **4. 2001.**

During 2001, there were 33 DCF Hotline investigations. Physical neglect was substantiated on 2 occasions or in 6% of the investigations. Program concerns were found 25 times or in 75% of the investigations. Issues coming up included substance abuse, physical restraints, children being used to assist staff in managing the behavior of other children, the need to develop a positive peer culture, inadequate documentation, inadequate supervision and staffing ratios. Ex. 953.

#### **5. Summary.**

The DCF Hotline reports documented very serious concerns throughout the life of Haddam Hills Academy. DCF Hotline staff uniformly indicated that Haddam Hills Academy compared very poorly to other facilities serving children. "There is no comparison. It's just a warehouse. It is just a warehouse that was in poor shape." English, pp. 65 - 66. Haddam Hills was "poor" and "awful". Mongrain, p. 55. Haddam Hills was the "worst of the worst". Mysogland, p. 81; English, pp. 65 - 66.

The various Hotline reports are only the tip of the iceberg. There is substantial information contained within DCF files and known to numerous DCF employees concerning serious problems at Haddam Hills Academy during its entire existence. Much of this information is included in this report.

### **D. HADDAM HILLS ACADEMY CRITICAL INDICATORS.**

There was a period of time when Haddam Hills Academy submitted to DCF reports of "critical indicators" that were noted at the facility. This includes the period from December 1999 through April 2001. These reports by Haddam Hills Academy are another source of data concerning problems at the facility.

It is important to note that this data reflects issues that were self-reported by Haddam Hills Academy. While self-reported data is significant, especially since it reflects issues acknowledged by a facility, it is not necessarily accurate or comprehensive.<sup>8</sup>

The critical indicator report for the period of December 1, 1999 through January 29, 2000 shows the following: 5 student physical injuries, 16 student to student assaults, 7 student to staff assaults, 1 student sexual acting out, 1 student substance abuse, 5 student suicidal gestures or attempts, 2 student AWOL, and 2 student hospitalizations. Ex. 1590A.

The critical indicator report for the period of January 1, 2000 through March 31, 2000 shows the following: 2 student physical injuries, 34 student to student assaults, 21 student to staff assaults, 1 student substance abuse, 6 student major property destruction, 10 student suicidal gestures or attempts, 2 student/police involvement and 2 student AWOL. Ex. 1591.

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<sup>8</sup>Looking at all of the data together shows an enormous amount of variability with respect to critical indicators. This raises questions of whether the data is valid. Trasente, pp. 388 - 389.

The critical indicator report for the period of February 1, 2000 through February 29, 2000 shows the following: 10 student to student assaults, 7 student to staff assaults, 3 student suicidal gestures or attempts, and 1 student/police involvement. Ex. 1592.

The critical indicator report for the period of March 1, 2000 through March 31, 2000 shows the following: 1 student physical injury, 3 student to student assaults, 1 student to staff assault, and 6 student major property destruction. Ex. 1593.

The critical indicator report for the period of April 1, 2000 through April 30, 2000 shows the following: 4 student physical injury, 31 student to student assault, 4 student to staff assault, 1 student substance abuse, 1 student suicidal gesture or attempt, and 1 student AWOL. Ex. 1594.

The critical indicator report for the period of May 1, 2000 to May 31, 2000 shows the following: 3 student physical injury, 13 student to student assault, 3 student to staff assault, 2 student/police involvement and 7 student AWOL. Ex. 1595.

The critical indicator report for the period of June 1, 2000 through June 30, 2000 shows the following: 3 student physical injury, 6 student to student assault, 2 student substance abuse, 3 student/police involvement and 7 student AWOL. Ex. 1596.

The critical indicator report for the period of July 1, 2000 through July 31, 2000 shows the following: 6 student physical injury, 6 student to student assault, 1 student to staff assault, 1 student/police involvement, 1 student AWOL. Ex. 1597.

The critical indicator report for the period of September 1, 2000 through September 30, 2000 shows the following: 7 student physical injury, 8 student to student assault, 6 student to staff assault, 4 student major property destruction, 1 student /police involvement and 1 student AWOL. Ex. 1598.

The critical indicator report for the period of October 1, 2000 through October 31, 2000 shows the following: 9 student physical injury, 3 student to student assault, 1 student to staff assault, and 4 student AWOL. Ex. 1599.

The critical indicator report for the period of November 1, 2000 through November 30, 2000 shows the following: 1 student physical injury, 2 student to student assault, 2 student to staff assault and 1 AWOL. Ex. 1600.

The critical indicator report for the period of January 1, 2001 through January 31, 2001 shows the following: 9 student physical injury, 12 student to student assault, 6 student to staff assault, 2 student substance abuse and 1 student suicidal gesture or attempt. Ex. 1601.

The critical indicator report for the period of February 1, 2001 through February 28, 2001 shows the following: 10 student physical injury, 9 student to student assault, 7 student to staff assault, 3 student substance abuse, 1 student complaint of staff maltreatment and 4 student AWOL. Ex. 1602.

The critical indicator report for the period of March 1, 2001 through March 31, 2001 shows the following: 3 student physical injury, 11 student to student assault, 6 student to staff assault, 7 student substance abuse and 2 student AWOL. Ex. 1603.

The critical indicator report for the period of April 1, 2001 through April 30, 2001 shows the following: 7 student physical injury, 6 student to student assault, 2 student to staff assault and 4 student substance abuse. Ex. 1604.

The data presented above shows a number of continuing concerns. The concerns include the level of assaultiveness both against other children or against staff and the type of culture that tolerates or even encourages this assaultiveness. The AWOL issues raise questions of procedures for maintaining supervision. Suicidal gestures and attempts are a concern, especially with a program that did not have clinical services in place early on. Finally, at different points, the number of positives for substance abuse screens was high. Trasente, pp. 389 - 390.

## **II. THE QUALITY MANAGEMENT SYSTEM AT DCF FAILED TO ADEQUATELY PROTECT CHILDREN WHO WERE PLACED AT HADDAM HILLS ACADEMY.**

In 2001, DCF Commissioner Kristine Ragaglia told a hearing before the General Assembly's Select Committee on Children that "[o]n Haddam Hills Academy in particular ... the quality management system is working." Ragaglia comments, Select Committee on Children (videotape, May 15, 2001).

I'm very proud of the work that the Bureau of Quality Management has done over the last three and a half years ... they're kickin over there. They're doing a great job and I'm very proud of the work that they have done.

Ragaglia comments, Select Committee on Children (videotape, May 15, 2001).

Unfortunately, the reality is very different. Commissioner Kristine Ragaglia testified in our investigation as follows:

*I do not believe that we handled this matter as well as we should have from the time Haddam Hills was selected as a provider through to the time that I made the decision that we would not continue with this program. At the point in time [May and June 2001] where direction was given to Quality Management around we needed to go in, gather additional information, evaluate whether or not we had programmatic problems and then the ultimate closing down, that final piece I think was well handled and very sensitive to the needs of the kids and getting the program winded down. But I would not hold this up as an example of our best work as our agency.*

Ragaglia, p. 138 (emphasis added).

DCF, including its Bureau of Quality Management, did not properly oversee Haddam Hills Academy or protect the children who were placed there. Our review of numerous documents and examination of numerous witnesses convincingly demonstrates not only that

DCF should not have permitted Haddam Hills Academy to open but also that DCF had substantial knowledge of problems at Haddam Hills Academy, *beginning during its very first week of operation*, and numerous opportunities to correct serious recurring issues. Problems at Haddam Hills were known to DCF executive staff, including Commissioner Ragaglia and both Deputy Commissioners, as well as senior managers at DCF. Nevertheless, Haddam Hills Academy operated with DCF's approval for three years to the detriment of the children placed there.

The Haddam Hills Academy story begins with the closing of an earlier facility at the same location known as the Founders School. DCF was actively involved in closing Founders School and working with Haddam Hills Academy to open.

As explained below, Haddam Hills Academy should not have been permitted to open when it did at the end of May 1998. Also, the information available to DCF leads to the inescapable conclusion that DCF licenses for Haddam Hills Academy should have been denied or revoked on several occasions well before the ultimate closing of the facility in June 2001. Our conclusion is that DCF failed in its obligation to protect the safety of the children at Haddam Hills Academy.

#### **A. CLOSING OF FOUNDERS SCHOOL AT BEGINNING OF 1998.**

At the beginning of 1998, DCF completed the process of closing a DCF licensed residential facility known as Founders School, which operated at the same site in Haddam that later was Haddam Hills Academy. Founders School had quality of care problems and closed down entirely early in 1998 following a corrective action plan. Schultz, pp. 52 - 53.

#### **B. DCF SHOULD NOT HAVE ALLOWED HADDAM HILLS ACADEMY TO OPEN AT THE END OF MAY 1998.**

In 1998, DCF was under a great deal of pressure to address overcrowding issues at Long Lane School. This pressure caused some DCF staff to work very hard on opening Haddam Hills Academy, but the facility was not ready to open when it did at the end of May 1998 and should not have been allowed to open by DCF.

##### ***1. Overcrowding At Long Lane School Led to the Bureau of Juvenile Justice Playing the Lead DCF Role in Working With Haddam Hills Academy.***

Although Founders School was closed, there was still a substantial need for placements for children in DCF's care, especially children at Long Lane School. Commissioner Ragaglia acknowledged that DCF personnel might have perceived an overcrowding issue at Long Lane School. Ragaglia, p. 47. In fact, DCF managers felt there was a very pressing need for beds for youth coming from Long Lane School. Bureau Chief Rudy Brooks and Long Lane School Superintendent John LaChapelle indicated on several occasions that Long Lane was over capacity. McPherson, p. 56. As stated in a DCF document: "Given the current crisis at Long Lane, Rudy Brooks wants to move forward with this program ASAP." Ex. 1112. "Rudy wanted the program to begin as soon as possible...." Schultz, p. 185. Schultz indicated:

I can remember indicating in the report that Rudy was saying he wanted this to move ASAP, as quickly as possible. And what that meant was to get a Licensing team in there to make sure they have all the basic nuts and bolts so that they can start to admit kids.

Schultz, p. 108.

At this time the crisis was overcrowding, at least the perception on the part of administrative staff that they were having difficulty moving kids out of Long Lane and they were getting lots of kids referred to Long Lane. And that there were not enough juvenile justice programs that could contain, support, educate, and treat that population in the private sector.

Schultz, p. 260.

The population that was identified to be served by the new facility was adjudicated juvenile delinquents at Long Lane School who could benefit from a less restrictive setting.

... This is a very, very difficult population of kids to work with ... probably among the most challenging that you'll find. These are kids who have not made it at any other facility.... I mean, they have been kicked out of the best facilities.

And to some extent, I think we may have made some of the wrong referrals. We sent some of the wrong kids here. These are very troubled kids. But I wanted to give them an opportunity to make it in a less restrictive environment than Long Lane School. You know, they deserve more chances....

R. Brooks, p. 226.

The Bureau of Juvenile Justice, headed by Bureau Chief Rudy Brooks, took the lead within DCF in working with Haddam Hills Academy. In fact, it was Rudy Brooks who informed DCF quality assurance staff that Haddam Hills was available. Schultz, p. 53. Juvenile Justice was administering DCF's role with the program, Trasente, p. 57, which appears to have been the result of the pressures associated with Long Lane School.

I think we heard a lot from Rudy Brooks, because the Juvenile Justice wanted to, like, get kids from Long Lane, which was very overcrowded at the time, and move them off of the grounds and get them out into a program.

S-47, p. 45.

In fact, the Haddam Hills organizers understood overcrowding at Long Lane School to be the driving force behind DCF's efforts to open up beds at Haddam Hills.

Long Lane was overcrowded, and it was all over the newspapers in 1998, 1997 about terrible conditions at Long Lane. Rudy Brooks ... needed to do something about Long Lane, and what the State said is, look, ... you operate another facility in this State. We do business together. We need your help in this thing. If you take over Haddam, we need the first 40 beds.

Bahrenburg testimony, Brower trial 10/24/2001, pp. 17 - 18.

Rudy Brooks was the lead DCF staff member and took the lead in explaining DCF's expectations to the facility organizers. R. Brooks, pp. 45 - 46; Trasente, pp. 39, 192. DCF executive staff was aware that Rudy Brooks was the team leader and that the Bureau of Juvenile Justice had the lead. Gerber, pp. 46, 50 - 51; Ragaglia, p. 35. Juvenile Justice's responsibility was to ensure that the contractor and Licensing were on the same page. G. Brooks, p. 13. In fact, Juvenile Justice played a key role in negotiating the program in terms of the kinds of youth that would be referred, expectations of service and other features. McPherson, p. 55.

As the team leader Rudy Brooks was directing and coordinating DCF's role and serving as the catalyst for opening Haddam Hills. Blau, p. 85; R. Brooks, p. 93. Brooks was the person through whom decision making functions were funneled. Blau, pp. 82 - 83. Even as problems began to develop, Brooks remained an advocate for the program. Director of Quality Assurance Michael Schultz remembers discussing Haddam Hills with Brooks frequently. Schultz, p. 282.

I think that Rudy's impression or viewpoint tended to be: It's a new program. It's going to take a little bit of time. And we need the program.

I think that Rudy more than anyone seemed to have the viewpoint that this program among others was very necessary given the issues at Long Lane.

So his tolerance, I think, was different for things than other folks. He tended to have a higher threshold to some of the issues than some of the other folks on the team.

Schultz, p. 282.

Lovie Bourne also stayed involved until she became Assistant Commissioner. McPherson, pp. 56 - 57. Within the Bureau of Juvenile Justice Bourne typically handled community programs and special projects while Gayle Brooks handled residential programs. Bourne, pp. 15 - 17; G. Brooks, pp. 10 - 11. Bourne did not have any prior experience with a residential program. Bourne, p. 19. Bourne does not know why she was assigned Haddam Hills. Bourne, p. 17.

Bourne understood her duties to be the liaison with the program. Bourne, p. 18.

Q So what does it mean to be the liaison?

A I haven't the foggiest idea, but that's what I did.

Bourne, p. 18.

According to Bourne, her tasks were visiting the program, making sure it followed rules and procedures and letting people know when she observed anything inappropriate. Bourne, p. 19.

**2. DCF Failed To Follow Its Normal Practice Of Selecting A Provider Following A Request For Proposals.**

Clearly DCF was looking to Haddam Hills Academy to serve a DCF need in receiving placements of children from Long Lane School. Generally, DCF selects a provider following a request for proposals. Gerber, p. 39; G. Brooks, p. 12; Ragaglia, p. 34. The competitive process is viewed in DCF as a positive process. G. Brooks, pp. 97 - 98.

... It ensures that we understand what the criteria is that we're looking for, so that specifically would be identified in an RFP. It would identify what kinds after qualifications we're looking for from the potential provider. So in my mind it provides the best method for ensuring fairness, quality, and the matching of the provider with the kind of program that we're looking to develop.

Ragaglia, pp. 34 - 35.

In addition, the Bureau of Juvenile Justice should have done an assessment of the needs of the youth at Long Lane School who were intended to be placed at Haddam Hills Academy. Gerber, pp. 40 - 41. There is no evidence of such a needs assessment having been done. Lovie Bourne testified as following concerning DCF's efforts to assess its needs:

Q ... Did anyone do any type of needs assessment for what the needs were for the kids from Long Lane that DCF wanted to place there?

A I don't know.

Q Do you recall any?

A I don't know.

Q Do you recall whether or not there was any request for proposals with respect to beds for Long Lane kids that you were trying to place?

A I don't believe so.

Q If there were requests for proposal, who would have been responsible for putting it together?

A I don't know. I have done requests for proposal, Gail [sic] would have done requests for proposals. I don't know.

Q You don't recall a request for proposal for Haddam Hills?

A No.

Bourne, pp. 21 - 22.

In fact, there was no request for proposal here. Gerber, p. 39; R. Brooks, p. 36. The lack of an RFP was a departure from the norm. R. Brooks, p. 36.

But like I said, you can come to us and apply for a license. And we can't say no, you can't have a license. If you are eligible for a license, we have to give you a license.

R. Brooks, p. 36.

While Rudy Brooks' comment about a license may be accurate, if an applicant actually qualifies for a license, it has no bearing on whether or not DCF should actually utilize the program for DCF's own needs, as opposed to some other licensed program. Rudy Brooks was also under a lot of pressure to get more beds to use for youth from Long Lane School. Bahrenburg testimony, Brower trial 10/24/2001, pp. 17 - 18. In hindsight, the Bureau of Juvenile Justice feels that there should have been an RFP, addressing directly the needs of the youth to be served. G. Brooks, pp. 97 - 98. Commissioner Ragaglia is not happy that there was no RFP here. Ragaglia, p. 34.

The key failure here — repeated frequently — was that the role of the Bureau of Juvenile Justice as a consumer of services to address the needs of children at Long Lane School was confused with DCF's role as a regulatory agency providing licenses and oversight to facilities serving children. Clearly, and unfortunately, the Bureau of Juvenile Justice played a substantial role in the licensing of Haddam Hills Academy.

### ***3. Haddam Hills Academy Should Not Have Been Granted a Provisional License in May 1998.***

During the first several months of 1998, personnel from DCF had many discussions with the Haddam Hills Academy organizers with respect to opening a new facility at the former Founders School site and provided substantial technical assistance. From the earliest communications concerning the nascent Haddam Hills Academy, DCF identified a number of issues that needed to be addressed at the new facility. They included a clinical component, the need for proper supervision of the youth and numerous physical plant issues.

DCF consistently addressed the need for a strong clinical component for the new facility. The original concept for Haddam Hills Academy was for a therapeutic model with therapy to be provided by clinicians. Trasente, p. 36.

[A]fter our own internal discussions, we decided that we wanted a strong clinical presence. We knew that the kids that we had at Long Lane School needed strong clinical support.

R. Brooks, pp. 41 - 42.

There were meetings with Albert Brayson II and John Claude Bahrenburg to discuss program philosophy, including the types of youth that would come there, a strong behavior management program with a strong clinical focus, a strong clinical presence, substance abuse treatment, the need to keep youth full of activities so that there was no down time, and not keeping youth in their rooms. R. Brooks, pp. 43 - 44. The need for clinical services was discussed at a meeting on March 20, 1998 with the organizers of Haddam Hills Academy, and they were receptive. Ex. 1100; Ex. 1619; Trasente, p. 193; Schultz, pp. 256 - 257.

Commissioner Kristine Ragaglia and Deputy Commissioner Stacey Gerber were informed of the discussions with the Haddam Hills organizers. Ragaglia was involved in a lot of the discussions at the beginning. Schultz, pp. 263 - 264.

She clearly had concern about Long Lane School at that point and saw Haddam Hills as one part of an attempted solution to that problem.

Schultz, pp. 264 - 265.

Gary Blau was also involved in early discussions about Haddam Hills Academy. He had concerns about Haddam Hills and felt that the facility needed technical assistance, especially in the beginning. Schultz, p. 265.

Apparently Haddam Hills later indicated that it did not want a clinical component in the new program. This arose in a number of discussions with DCF. John Claude Bahrenburg testified that he indicated to DCF that there would be less need for clinical services. Bahrenburg, p. 211. Bureau Chief Rudy Brooks recalls a major disagreement with the facility organizers about the clinical versus non-clinical issue with John Claude Bahrenburg indicating that a strong clinical program was not needed. R. Brooks, pp. 46 - 47. Arnold Trasente insisted on clinical services. Bahrenburg, pp. 210 - 211. Brooks recalls that no one from DCF agreed with Bahrenburg and that Arnie Trasente was the most vocal. Brooks remembers that while he was initially on the fence he also agreed and expressed the need for clinical services at meetings with the facility organizers. R. Brooks, pp. 47 - 48. In addition, significant physical plant issues were clearly identified by DCF. Ex. 1105; R. Brooks, pp. 50 - 53; S-47, pp. 47 - 48.

DCF licensing of the facility was discussed at a meeting on April 6, 1998 which included DCF personnel and Albert Brayson II. A licensing application packet was sent out. Ex. 1103. Other issues discussed at that meeting included the number of beds and significant physical facility issues including reconfiguring residential space, lighting, replacing furniture, carpeting, telephones and communication systems, installing water fountains, significant work in the bathrooms, and establishing a medication/nursing office with an appropriate security system. Ex. 1105.

Haddam Hills submitted a program description to DCF on April 13, 1998 prepared by James Harmon, the initial Executive Director for Haddam Hills. Ex. 1104. This program description was circulated at DCF and determined to be woefully inadequate. Ex. 1104; Ex. 1109; Ex. 1110; Ex. 1115; Trasente, pp. 42 - 44. DCF's comments concerning the program description were sent to Albert Brayson II on April 27, 1998. Ex. 1110. Among other things, DCF noted holes in the conceptualization of the program, a concern about the "positive peer culture" idea having a reverse effect resulting with negative peer culture with youth acting out in a gang activity<sup>9</sup>, inadequacies in clinical programming and behavior management. Ex. 1110; Trasente, p. 196.

With respect to the concerns noted in Ex. 1110 on April 27, 1998, Bureau Chief Rudy Brooks noted:

I think that in retrospect, hindsight, you know, is 20/20. If we were to do this again, they would have been answered before the program had one kid in it. And that is one of the things that this process has done. It taught us how to proceed when we created this type of program.

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<sup>9</sup>This particular concern turned out to be prophetic in light of later events at Haddam Hills Academy.

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We let them open because they were working on them. And we figured if we worked with them on it, we would quickly bring them up to speed.

R. Brooks, pp. 61 - 62.

At that point Haddam Hills was not ready to open. Trasente, p. 197. Generally an adequate program description is required before a program starts.<sup>10</sup> Gilman, p. 171; R. Brooks, p. 54. Having an acceptable program description is important since it lays out what DCF is expecting a facility to provide and what is in fact being provided. Ragaglia, p. 46. In the absence of such a program description Haddam Hills should not have been allowed to open. Gilman, p. 171. There should not be a provisional license if there is not an acceptable program description. Ragaglia, p. 46.

Deputy Commissioner Thomas Gilman noted that the clinical staff should have been in place at the time the facility opened. Gilman, p. 172. Commissioner Kristine Ragaglia expressed great concern about whether the absence of clinical staff reflected the substantial compliance required for issuance of a provisional license. Ragaglia, p. 45.

A number of DCF's concerns were discussed at a meeting with Haddam Hills Academy organizers on April 30, 1998. This included a discussion of clinical programming, an agreement to provide individual treatment, psychiatric coverage, social workers, family therapy and a clinical therapeutic program. Ex. 1111; Trasente, pp. 197 - 198.

Albert Brayson II submitted what was described as the "complete license application package for Haddam Hills Academy" on May 11, 1998. Ex. 1113. The status of Haddam Hills was discussed at a meeting on May 14, 1998 which included Deputy Commissioner Stacey Gerber, Gary Blau and Michael Schultz. Ex. 310; Schultz, p. 310. DCF's licensing review of the application on May 15, 1998 indicated that there were still a lot of outstanding issues. Ex. 1117. These included numerous issues under the headings of medical, fiscal, direct care and supervision, and technical/legal. Ex. 1117. These concerns were communicated to Albert Brayson II on May 21, 1998. Ex. 1117; Ex. 1118. These concerns were reviewed with Haddam Hills personnel during a licensing visit on May 27, 1998. Ex. 1120.

In addition, Bureau Chief Rudy Brooks did not consider John Claude Bahrenburg to be qualified to be executive director. However, this was less of a concern to him at the time of the first provisional license since Bahrenburg had some senior seasoned administrators working with him. R. Brooks, p. 73. Others at DCF shared the concern.<sup>11</sup>

[I]t was really our view that at that time John Claude [Bahrenburg] just didn't really get it and was sort of -- we may have even used this phrase, sort of trying to

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<sup>10</sup>In fact, the program description was not adequate until Peter Brown became the executive director in the early part of 1999. R. Brooks, p. 113.

<sup>11</sup>Some within DCF also did not have a lot of confidence in Lake Grove to open Haddam Hills and were concerned about Lake Grove expanding into a different group of youth. Lake Grove was not viewed as the national model program that it touted itself to be. Schultz, pp. 69 - 70.

run a game on us, in terms of, you know, talking about things that he had a little knowledge of, but not enough of an awareness with....

Schultz, pp. 63 - 64.

A First Provisional License<sup>12</sup> was issued by DCF to Haddam Hills Academy effective May 28, 1998 for 16 beds for male youth. Ex. 1068. This license was signed by Director of Quality Assurance Michael Schultz. Ex. 1068. Schultz spoke with Gary Blau and Rudy Brooks before signing the license. Schultz, pp. 196 - 197. At this time there were a number of unresolved issues. There was no acceptable program description. R. Brooks, p. 113. There was no clinical staff. Ex. 1624.

When asked why Haddam Hills was allowed to start without any clinical staff, Rudy Brooks indicated:

That is an excellent question. It shouldn't have been in retrospect. Today it wouldn't have been.

I recall a lot of discussions about our insisting that there be clinical staff. And I just can't recall why it happened that they were allowed to have kids placed there without any.

R. Brooks, p. 95.

Bureau Chief Gary Blau testified he had no answer for why Haddam Hills was allowed to open without more clinical staff, indicating that this issue should have been more fully explored. Blau, pp. 80 - 81. Deputy Commissioner Stacey Gerber testified that DCF should probably not have allowed Haddam Hills Academy to open up in the first place. Gerber, p. 217. Commissioner Kristine Ragaglia echoed these concerns. Ragaglia, pp. 45 - 46.

At the time the First Provisional License was issued Haddam Hills Academy was not ready to open. DCF should not have issued the First Provisional License in May 1998 until Haddam Hills Academy was actually ready to open. If Haddam Hills Academy was never ready to open then it should never have received a license.

### **C. PROBLEMS SURFACED IN 1998 IMMEDIATELY AFTER HADDAM HILLS ACADEMY OPENED.**

The fact that Haddam Hills Academy was not ready start operating when it was given the First Provisional License became clear when problems surfaced immediately upon Haddam Hills Academy opening. These included significant leadership, programmatic and supervision issues at the facility. Numerous people at DCF, including DCF Commissioner Kristine Ragaglia, both Deputy Commissioners and numerous DCF managers, were informed of these problems.

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<sup>12</sup>Under Conn. Gen. Stat. § 17a-151(a) a provisional license may be issued when a license applicant who is not yet able to fully comply with all of the licensing requirements can achieve them with "minimal" efforts.

**1. While DCF Immediately Began Addressing the Concerns, Problems Continued.**

An internal DCF “Program Review Update” concerning Haddam Hills Academy dated June 9, 1998 — less than 2 weeks after Haddam Hills opened — included the following notes:

This program requires continued oversight and technical assistance by the Department. The program began accepting youth on 6/1/98 and *there has already been an AWOL by one youth who stole a facility truck on 6/3/98* and was later arrested in Meriden (see attached news article) and returned to LL.

... [On 6/5/98] the program had seven (7) youth in placement and was clearly still in development in terms of staff positions and procedures.

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*The program currently has no clinical staff to provide clinical services.*

... One outstanding issue is the lack of residential staff coverage between 8:00 AM and 12:00 Noon during school days. There is only one staff, a “Dean” in the School at this time to provide behavior management support to teachers, *so the staffing appears inadequate*. Licensing will follow up on this.

Ex. 1624 (emphasis added).

This program review update was a portion of a document that was circulated to DCF Commissioner Ragaglia, Deputy Commissioner Gerber, Deputy Commissioner Gilman, Bureau Chief Gary Blau and Bureau Chief Rudy Brooks, among others.<sup>13</sup> Ex. 1624. It was discussed with Commissioner Ragaglia. Schultz, p. 279. Ragaglia, along with Deputy Commissioners Stacey Gerber and Thomas Gilman, was concerned. Schultz, pp. 279 - 280. Schultz described the significance of Ex. 1624 as follows:

That [Ex. 1624] says it is a program in trouble and a program of concern that would require a great deal, relatively speaking, of departmental involvement.

So that would justify, certainly, a frequent and intensive technical assistance and consultation framework.

Schultz, pp. 275 - 276.

Commissioner Ragaglia stated that an AWOL is a very early warning sign of a program still in development. In Ragaglia’s opinion the issues expressed in Ex. 1624 “should be identified and be pretty well organized before a program opens.” Ragaglia, pp. 42 - 44.

Blau was privy to discussions about the program review update. Schultz, pp. 109, 281. The significance of this is not only that problems surfaced at Haddam Hills Academy within the

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<sup>13</sup>Neither Ragaglia nor Gerber specifically recall seeing Ex. 1624. Ragaglia, p. 41; Gerber, pp. 43 - 44, 51. However, Ragaglia testified that she liked the “charts” and looked at them as they came through. Ragaglia, pp. 23 - 24. Gerber also recalls paying attention to the charts during that time period. Gerber, pp. 43 - 44, 51. The charts were circulated and she was receiving them. Gerber, p. 52. The “charts” were facility specific tables that were attached to Ex. 1624 and other similar documents.

first few days of its operation, but also that the highest levels of DCF were specifically informed of these problems.

Deputy Commissioner Thomas Gilman remembers this information coming to his attention. Gilman, pp. 22 - 24. Gilman's view is that the clinical staff should be in place at the time the facility opens. Gilman, p. 172.

Bureau Chief Rudy Brooks heard about the AWOL during the first week, as did Lovie Bourne. R. Brooks, p. 70; Bourne, pp. 33 - 34. An AWOL within the first week of a facility's operation may be an indicator of issues at the facility. Trasente, p. 170. "[T]hat kind of incident sent shock waves right through." Schultz, p. 97. With an AWOL in the first week, supervision needs to be questioned immediately. R. Brooks, p. 71; Schultz, p. 203. Lovie Bourne discussed the AWOL with Bahrenburg. Bourne, pp. 33 - 34. She also brought the issue to the attention of Rudy Brooks. Ex. 1123B.

Q Do you recall talking to him [Bahrenburg] about the supervision of the kids?

A At that time, I believe that the supervision was quite high, the ratio of worker to child was quite high.<sup>[14]</sup>

Q If the ratio was high, then, presumably, there was sufficient staff there to keep an eye on the kids, presumably the kid would have been supervised and wouldn't have taken the vehicle.... [D]idn't the fact that the kid took the vehicle suggest to you that there was something wrong in the supervision?

A I don't know.

Bourne, p. 34.

Bureau Chief Gary Blau testified that information about an AWOL during the first week does not indicate that a program is starting off on the right track. Blau, pp. 78 - 79. An AWOL indicates that a child was not supervised. Gerber, pp. 46 - 47. It is an early warning sign of a program in development. Ragaglia, pp. 42 - 44. Blau indicated that in hindsight he should have been more vigilant and that he relied heavily on his staff for follow-up. Blau, pp. 80 - 81. Michael Schultz suggested very strongly to Rudy Brooks and the quality assurance team that there should be a frequent and intensive presence in the program. Schultz, pp. 204 - 205.

Deputy Commissioner Stacey Gerber testified that the information in Ex. 1624 would have led her to take a good look at what was in place for youth, what they were receiving, what was actually in place. She would not have wanted to place any additional youth until all of the pieces were in place and indicated that it would have been appropriate to make an assessment about whether or not DCF should continue with the seven youth who were already there. Gerber, p. 50.

During this period of time, DCF saw its role with Haddam Hills as providing substantial assistance in order to get the program running correctly. Ex. 1624. The feeling was that DCF

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<sup>14</sup>This belief is very curious since one of the managers in the Bureau of Quality Management felt that staffing was an issue at the outset. "[I]t was our feeling that there wasn't adequate coverage in the school." Schultz, p. 100.

needed to maintain a continued presence in order to help Haddam Hills. Gilman, pp. 24 - 25. DCF was in regular communication with Haddam Hills with respect to the concerns that had emerged.

Arnold Trasente had a meeting at Haddam Hills Academy on June 5, 1998. Trasente's notes indicate, among other things, the absence of a clinical program. Ex. 1122; Trasente, p. 200. According to Trasente, the points that he had previously flagged in his comments on the program description were already evident in the operation of the facility. Trasente, p. 201.

Evidently Trasente's June 5 meeting at Haddam Hills was very acrimonious. Trasente memorialized this meeting by preparing a memorandum to Commissioner Ragaglia describing what Trasente characterized as personal verbal attacks directed towards Trasente by Jean Claude Bahrenburg, the interim executive director at Haddam Hills. The memorandum was dated June 6, 1998. Ex. 1125. Trasente testified that he never actually sent the memorandum. Trasente, p. 189. However, its subject matter was known by some of Trasente's superiors at DCF. Schultz, p. 315. Among other things, Trasente reported:

In our second meeting on 6/5/98 at HHA Mr. Bahrenburg once again verbally attacked me by stating, among other things, that I implemented my own philosophy for therapeutic services under the mantle of DCF Executive Branch power; that he and I would be "butting heads a lot," and that he would be willing to go to court to fight any requests I made regarding the program which were not formal, written DCF regulation or policy and he saw as my personal philosophy....

Ex. 1125.

Trasente's testimony described the meeting with Bahrenburg as "extremely adversarial and intense" and "loud, he was in my face ... of high -- almost yelling..." Trasente, p. 53. This level of communication did not bode well for DCF working with Haddam Hills Academy. Trasente's memorandum was somewhat prophetic in concluding that "as a result of Mr. Bahrenburg's attitude and interactional style and behavior, I am concerned that my role may be compromised, as well as the role of other DCF CQI staff assigned to work with HHA, in effectively providing 'quality of service' technical assistance." Ex. 1125. Trasente felt he could not be effective in providing technical assistance since it was not going to be received. Trasente, p. 55. Bahrenburg acknowledges having told Trasente not to tell Bahrenburg how to run the program. Bahrenburg testimony, Brower trial 10/19/2001, p. 109. Trasente discussed with Michael Schultz that he did not want to be involved with this technical assistance which was accepted by Schultz.<sup>15</sup> Trasente, p. 190.

A June 12, 1998 DCF inspection report of the facility includes discussion of the AWOL and of the leadership changes at the facility. Ex. 1119. John Claude Bahrenburg reported that he would be the Executive Director for a limited period of time. He indicated that James Harmon had been replaced as Executive Director since Harmon was not comfortable with the programmatic model that Haddam Hills had chosen and was therefore not an appropriate

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<sup>15</sup>There is also evidence that Haddam Hills tried to get DCF to keep Trasente away from the program. This is discussed more specifically in a later section of this report.

executive director given the conflict in philosophies. Ex. 1119. He told Lovie Bourne that Harmon was not the right person for the job. Bourne, p. 37.

Bahrenburg's description of the AWOL at the time of this inspection was that a youth at Haddam Hills was left unsupervised and stole a Haddam Hills maintenance truck which the youth started with a screwdriver and used the maintenance truck to leave the grounds of the facility. Ex. 1119. This incident raised questions of how the youth came to be unsupervised during a time that there were only 6 youth at the facility,<sup>16</sup> how the youth obtained a screwdriver, how the youth was able to steal a facility van, and what prompted the youth to want to leave.

During the June 12, 1998 visit, Bahrenburg became heated and angry at Arnold Trasente and made comments about Trasente not acting professionally. McPherson, pp. 69 - 72. Following that meeting, Trasente was absent from Haddam Hills for a while. McPherson, p. 74.

During the time that the first waves of youth were placed at Haddam Hills there were concerns about lack of supervisory coverage on the second shift and on weekends which were discussed with Haddam Hills Academy. Schultz, p. 65. These concerns were shared with Gary Blau and possibly Stacey Gerber. Schultz, p. 66. Michael Schultz, Gary Minetti and John Watts met with parole officers about Haddam Hills, informed them of ways that quality management could be supported through parole officers making unannounced visits to the youth under their supervision more frequently. Schultz, p. 204.

Clearly, the first month of operation at Haddam Hills was not a good month. Personnel at DCF, including the Commissioner, both Deputy Commissioners, and other senior managers at DCF, were informed of the issues.

## ***2. DCF Failed to Adequately Address Concerns Raised by the Former Principal at Haddam Hills Academy.***

Haddam Hills Academy continued to be plagued with problems. Another significant leadership change very early in the existence of Haddam Hills Academy was that Bonnie Brower, the principal of the educational program at the facility, left. The circumstances of her leaving raised even more serious questions about Haddam Hills.

Lovie Bourne authored two internal e-mails at DCF, on July 6, 1998, in which she informed other DCF personnel, including Bureau Chief Rudy Brooks, that on the previous Friday, July 3, 1998, Haddam Hill Executive Director John Claude Bahrenburg had asked Bonnie Brower to resign or be fired, with a July 6, 1998 deadline for her decision. The e-mails recited the reason for this action as playing favorites with the youth, not following the executive director's directives and an unwillingness to change her curriculum. Ex. 1133; Ex. 1134. Bahrenburg told Bourne that he questioned Brower's authority to hire someone and that Brower was not buying into the program. Bourne, pp. 56 - 57. Bourne does not remember Bahrenburg explaining how Brower did not buy into the program or how Brower was playing favorites. Bourne, pp. 57 - 58. Brower also telephoned Lovie Bourne. Bourne called her back, although she felt uncomfortable doing so, and after talking to her wished her well. Bourne, p. 58.

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<sup>16</sup>DCF records indicate that the census at Haddam Hills Academy was 6 on June 1, 1998, went up to 7 on June 5, 1998 and remained at 7 until June 19, 1998 when it was 9. Ex. 1182.

Bonnie Brower also contacted Arnold Trasente at DCF to discuss her concerns. According to Trasente's July 23, 1998 memorandum — addressed to Bureau Chief Rudy Brooks, Bureau Chief Gary Blau and Michael Schultz — Brower had raised substantial concerns about Haddam Hills Academy. Ex. 1141B. These concerns included substantial staff turnover, youth being recruited into the Muslim faith, an incident of a youth at Haddam Hills having difficulty not being properly reflected in the facility staff log, and concern with respect to the staffing ratios at Haddam Hills. Ex. 1141B. Deputy Commissioner Thomas Gilman recalls some discussion of the issues concerning changes in diet and proselytizing. Gilman, pp. 32 - 33. Trasente took the report from Brower seriously and wanted to be sure that there was a formal follow-up. Trasente, pp. 205 - 206. Bureau Chief Rudy Brooks indicated that it was clear that Trasente in Ex. 1141B and Bourne in Ex. 1133 had a different take on the issues presented by Brower.

The follow up to these concerns was by Lovie Bourne from Juvenile Justice. Minetti, pp., 59 - 60. Lovie Bourne responded to Trasente's memorandum, on August 3, 1998, summarizing her involvement in responding to Brower's concerns and concluding: "As I explained to Ms. Brower, we (DCF) have no say over whom HHA hires or fires; that I was sorry that things did not work out with HHA; and that I wished her the very best." Ex. 1148A. There was no other DCF follow-up on the concerns that Brower had raised. Trasente, pp. 205 - 206.

... I think that that [Ex. 1141B] would prompt or should have prompted an investigation of some sort by the department, a more official inquiry into what happened. And this [Ex. 1148A] doesn't reflect that that happened.

Schultz, p. 210.

James McPherson, the licensing inspector, indicated that while he thought DCF should follow up on all issues, except for the issues concerning the teachers, which he felt the Department of Education should follow up on, he was not directed to follow up on any. McPherson, pp. 83 - 85. Michael Schultz, a manager, indicated that he never followed up on this since he thought Juvenile Justice Bureau Chief Rudy Brooks would, Schultz, pp. 206 - 207.

There were areas in Ex. 1141B, Trasente's July 23, 1998 memorandum, that did require some follow-up. Blau, p. 95. Bourne's memorandum did not adequately address the issues raised in Trasente's memorandum. Ragaglia, pp. 54 - 55.

The follow-up should have included review of the issues of personnel, the log, probably some interviews with youth regarding feelings of coercion, and a plan concerning the stability of the management team. Blau, pp. 101 - 102. There should have been follow up as to whether or not there was pressure placed on Brower to not pursue appropriate action to ensure that children were protected. Ragaglia, pp. 55 - 57.

Even after Lovie Bourne's follow-up, there were still questions about the program that required review. These concerns touched on all of the issues that had been raised.

The reasons for high turnover of staff, whether it was direct care staff, clinical staff or teachers, should have been explored. High turnover often reflects displeasure with the program. This review should have included interviewing some of the teachers. Trasente, pp. 207 - 208.

The only way to more fully understand the issue with teachers leaving before screening it out as an issue would be interviewing teachers. Minetti, pp. 70 - 71.

The issue of consistency and stability in the facility should have been looked at, recognizing that by July 23, 1998, having only opened at the end of May 1998, it was already through one executive director and going through another school principal. Blau, pp. 95 - 96. Bureau Chief Gary Blau described the inability to keep a management leadership team as “striking” to him. Blau, pp. 98 - 99. The fact that an executive director and principal left so early was a warning sign of problems. R. Brooks, p. 100. There is no indication in Ex. 1148A that Bourne reviewed any of these matters. In fact, Bourne did not talk to any teachers about why they were leaving. Bourne, p. 72. Bourne’s August 3, 1998 memorandum did not adequately address the issue of why teachers were leaving. Ragaglia, pp. 55 - 57.

With respect to the issue of recruiting into the Muslim faith, Trasente pointed out that he would not want proselytizing of any sort with youth that are very vulnerable. In addition to the steps described in Bourne’s memorandum, Trasente would also have talked to the administrative staff involved and to some of the youth to determine whether this was happening. Trasente, pp. 208 - 208. It would have been useful to talk to youth in the program and also to the staff who were supporting this. Minetti, p. 71. This should have particularly involved whether or not there was any level of coercion. Blau, pp. 98 - 100, 103. There is no indication in Ex. 1148A that Bourne did this. Bureau Chief Gary Blau indicated that Lovie Bourne’s August 3, 1998 memorandum (Ex. 1148A) looked more like a phone call discussion oriented follow-up rather than on site follow up and, among other things, that a few youth should have been asked about coercion issues. Blau, p. 106. As Blau noted, “we really didn’t know whether or not the kids felt that they had been recruited.” Blau, pp. 106 - 107. Commissioner Ragaglia indicated that Bourne’s follow-up “... looks more like a defense of the program by one of our staff as opposed to an appropriate intervention to address the issues raised in [Trasente’s memo].” Ragaglia, p. 55. Ragaglia does not feel that Bourne’s memorandum was responsive to the issue of recruiting into the Muslim faith. Ragaglia, pp. 55 - 57.

Bourne does not recall taking any steps to examine the issue of recruiting into the Muslim faith.

Q -- what steps did you take to examine that issue?

A I don’t remember taking any steps to do that. I do remember that Licensing and I sat down with ... the executive director, and I believe that Licensing asked that that be put in their policy, that there would not be any proselytizing.

Bourne, p. 71.

A I didn’t feel that the kids were being recruited over into the Muslim faith, I saw no evidence of that.

\* \* \*

Q Did you interview any of the kids?

A I did not interview any of the kids.

Q So how do you know that the kids didn't feel they were being recruited into the Muslim faith?

A I don't know if the kids were interviewed or not. I said I did not see any evidence of proselytizing.

Q But you also didn't look at--

A No I did not.

Q So how can you conclude that it wasn't taking place?

A I don't know. That is what I believe. I did not believe that the kids were being recruited into the Muslim faith.

Q Your belief is based upon what?

A Based on my interactions with the kids.

Q Would you agree that you didn't have a sufficient interaction to come to a conclusion one way or the other?

A I don't know. You're asking me in hindsight. I really can't say

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Q ... What steps do you recall taking to attempt to ascertain whether or not children at this facility were being recruited into the Muslim faith?

A I don't remember doing anything in particular.

Q Then how could you possibly come to the conclusion that they weren't being recruited? It sounds to me--

A You're asking the same question over and over. At the time I just simply did not feel that the kids were being recruited into the Muslim faith.

Q So you didn't believe Bonnie Brower?

A No I did not.

Q But you didn't do any further inquiry to determine whether or not there was any basis to her concerns?

A As far as I know, our parole staff were meeting with their kids on a weekly basis, and I did not receive feedback from anybody that this was happening. I did not take children aside and ask them, "Are you being recruited?" I did not do that.

Bourne, pp. 76 - 77.

The issue concerning staff logs should have been examined more. Blau, p. 100. Arnold Trasente, from the Program Review and Evaluation Unit, would have addressed the log issue with administrative staff and also done some cross-checking. He would have talked to youth about incidents and cross-referenced them with the log to see if they were properly entered. He would have documented what was in the log and then gone back to the youth to see if the log accurately reflected the incident. Also, he would have wanted to get some sense from

administration of whether the issue was just occasional lapses by staff.<sup>17</sup> Trasente, pp. 209 - 211. There is no indication in Ex. 1148A that Bourne did this. Bourne did not do any cross-checking of the log and does not know if anyone did. Bourne, p. 73. In fact, Brower was aware of circumstances where the log reported a quiet evening at the facility when Bahrenburg had told her that the night had been very difficult with two restraints and youth preparing to fight. Brower testimony, Brower trial 10/17/2001, pp. 48 - 49. Bahrenburg did not want DCF to read that information.<sup>18</sup> Brower testimony, Brower trial 10/17/2001, pp. 50 - 52.

The issues raised in the correspondence between Trasente and Bourne (Ex. 1141B & Ex. 1148A) did show signs of issues that were later proven to have some validity in the Hotline report concerning the hit squads. Trasente, pp. 212 - 213. Trasente testified: "Again, I continued to have questions after her memo that we hadn't gotten all the answers on this." Trasente, pp. 212 - 213.

The issues raised by Bonnie Brower in 1998 were followed up by Juvenile Justice since Rudy Brooks asked for it. Now Quality Management would definitely have performed that role. R. Brooks, p. 109.

Lovie Bourne also had some disagreements with John Watts, Assistant Superintendent at Long Lane School, concerning an issue at Haddam Hills Academy that arose with Dennis Muhammad who was the "Dean" of Haddam Hills. Muhammad was also affiliated with the Nation of Islam. Bourne and Watts disagreed about an early morning jogging program that Muhammad was running. Bourne thought that it was only running while Watts noted from his past experience he felt that the Nation of Islam was very militant and not something that youth needed to be exposed to. Watts view was that this would lead to something else. Watts and Bourne agreed to disagree. Watts, pp. 37 - 39. Arnold Trasente had expressed concerns about the early morning jog to John Claude Bahrenburg. McPherson, pp. 69 - 72.

Clearly, Lovie Bourne did not adequately or properly pursue the concerns raised by Bonnie Brower, the principal at Haddam Hills. This lapse is significant. Lovie Bourne was the individual at DCF responsible for following through on the concerns raised first by Bonnie Brower directly and then again in Arnold Trasente's memorandum. Trasente, for example, has a Ph.D. in psychology, is a licensed psychologist, and has spent much of his professional career dealing with issues concerning juveniles. Trasente, pp. 3 - 7. Trasente is viewed as an employee with a high level of experience and skill who is one of the best employees that DCF has involved in program oversight. Ragaglia, pp. 52 - 53. John Watts, a manager in the Bureau of Juvenile Justice who had interacted with Lovie Bourne about Haddam Hills, to take another example, has a substantial professional background in dealing with issues concerning juveniles. Watts, pp. 5 -

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<sup>17</sup>Trasente did not do any of this at the time since it was the Bureau of Juvenile Justice that was playing the lead role in providing oversight to Haddam Hills Academy. That is why Trasente sent Ex. 1141B to Lovie Bourne in the first instance. Other portions of this report explain how it was not appropriate for the Bureau of Juvenile Justice to have the lead responsibility in providing oversight to Haddam Hills.

<sup>18</sup>There was also other testimony at the Brower trial from another witness who testified about an occasion when Bahrenburg threatened another employee with termination for talking to DCF. When asked what Bahrenburg said the witness testified: "I don't remember the exact words but the gist of it was, if you ever talk to DCF again about what's happening here, you will be fired. You will have your pink slip. You're walking out the door. You are no longer employed. Very clearly he was yelling and he was posturing." Miller testimony, Brower trial 10/25/2001, p.147.

11. On the other hand, Lovie Bourne did not have a background of experience in DCF related matters. She was a “transitional manager” at DCF who had previously been a “durational project manager” at DCF whose prior background was working as a senior buyer for a corporation and operating her own word processing business. Bourne, p. 5. Commissioner Ragaglia is not aware of Bourne having any educational or professional background dealing with children’s issues prior to joining DCF. Ragaglia, p. 59. Bourne simply did not have the training, experience or qualifications to deal with the concerns that Brower had raised. DCF should not have entrusted Bourne with the significant responsibilities she was given.

Bonnie Brower raised numerous concerns with respect to Haddam Hills Academy. Lovie Bourne was responsible for following up on those concerns and clearly did not perform a meaningful follow-up. Bourne essentially dismissed the concerns noting that DCF could not control who Haddam Hills hired and fired and wishing Bonnie Brower the best. Ex. 1148. All of the concerns raised by Bonnie Brower were meritorious. In fact, issues that were suggested by Bonnie Brower, such as poor leadership and problems with Dennis Muhammad were later examined closed by DCF, especially the Hotline investigation concerning hit squads early in 1999 that documented very serious problems, and determined them to be valid.

DCF failed to conduct an adequate and timely review of the serious issues raised by Bonnie Brower. Accordingly, DCF failed to act appropriately to protect the children at Haddam Hills Academy.

### ***3. DCF Continued to Issue Provisional Licenses to Haddam Hills Academy.***

During this time period, DCF continued to issue provisional licenses to Haddam Hills Academy, even though at the same time DCF continued to document many troubling concerns about Haddam Hills Academy. These additional provisional licenses increased the number of beds at the facility. During this time period, the Bureau of Juvenile Justice continued to play a substantial role in dealing with Haddam Hills Academy, sometimes to the exclusion of the Licensing Unit at DCF.

DCF issued a Second Provisional License to Haddam Hills Academy for 16 beds for male youth effective July 28, 1998. Ex. 1070. Internal DCF e-mail confirm that this license was to be issued on July 28, 1998 for 16 beds, with a view to increasing the bed capacity to 24 shortly. Ex. 1143. Tasks that DCF identified to be accomplished for the increase were a health inspection report supporting 24 beds, staff roster demonstrating coverage for 24 beds, and completing renovation of third floor bedrooms. Ex. 1143. Another Second Provisional License to Haddam Hills Academy was issued effective July 28, 1998, this time for 25 beds for male youth. Ex. 1072. Internal DCF e-mail indicate that this Second Provisional License was actually issued on August 3, 1998. Ex. 1147A.

When asked why the Second Provisional License, Ex. 1070, was issued in light of the various concerns raised in Lovie Bourne’s August 3, 1998 memorandum<sup>19</sup>, Ex. 1148A, Rudy Brooks indicated that: “These two documents are opposed to one another.” R. Brooks, p. 111. One suggested to the facility that things were going in the right direction, while the other raised

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<sup>19</sup>While prior discussion in this report comments on Lovie Bourne’s failure to adequately follow through on Bonnie Brower’s concerns, it is clear from Ex. 1148A that Brower’s concerns were raised in Bourne’s memorandum.

concerns. R. Brooks, p. 111. When asked how this happened, Rudy Brooks indicated: "I think there is a breakdown of communication amongst, among others, a couple of bureau chiefs including myself." R. Brooks, p. 112. Brooks pointed to Gary Blau as another such Bureau Chief. R. Brooks, p. 112.

There was pressure to increase the number of beds in July 1998 since the census was going up at Long Lane School. R. Brooks, pp. 80 - 81. When asked why the number of beds increased rather than having Haddam Hills straighten out its problems, Brooks indicated:

Today that would not have happened. They never would have opened. And I would have dealt with whatever pressures I had anywhere else, but they would never have opened....

R. Brooks, p. 86.

Minutes of a DCF Private Provider Group Meeting for August 3, 1998 attributes the following report to Lovie Bourne:

Haddam Hills is currently licensed at 16. The licensing unit is going out to inspect for an increase to 25. *They are doing well.* They are operating with a 4 to 1 staff ratio. Lovie visited yesterday (Sunday, 8/2). Only one client had gone on a home visit for the weekend. The youngsters on campus were engaged in activities during Lovie's visit. They have only had one incident since opening....

Ex. 1688 (emphasis added).

The August 3, 1998 report did not mention any of the several concerns noted above that were known to DCF at the time, including licensing, program review and juvenile justice staff including Bourne, except to the vague allusion to only one "incident". Nor did the August 3, 1998 report mention outstanding licensing issues, such as having a proper program description. In fact, a DCF letter dated August 3, 1998, which was cosigned by Lovie Bourne and James McPherson, notes the absence of a program description and the absence of treatment plans for residents who were at Haddam Hills Academy for more than 30 days.<sup>20</sup> Ex. 1071. It was not normal for such letters to be cosigned by the licensing inspector and someone from Juvenile Justice. Minetti, pp. 77 - 78; McPherson, pp. 31 - 32. The former Director of Licensing was not aware of any other circumstances where this happened. Minetti, pp. 77 - 78.

As noted above, Lovie Bourne reported favorably on Haddam Hills Academy at an internal DCF meeting on August 3, 1998. This report was clearly contrary to correspondence that Bourne signed on the very same day. Surely this had the effect of portraying Haddam Hills Academy to be in better shape than it was actually in.

A DCF licensing report, dated September 8, 1998, noted that no finalized treatment plans had been completed for residents and that an updated list of medical providers needed to be

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<sup>20</sup>Coincidentally, this letter (Ex. 1071) was signed on August 3, 1998, the same date that Lovie Bourne signed her memorandum discussing the concerns raised by Bonnie Brower (Ex. 1148). Bourne does not know why the concerns that she discussed within DCF in Ex. 1148 are not referenced in the letter she cosigned to Haddam Hills (Ex. 1071). Bourne, pp. 88 - 89.

provided since the list submitted at the time of application was not accurate. This report also discussed some facilities issues. Ex. 1151.

A revised program description from Haddam Hills Academy was finally submitted to DCF at the beginning of September 1998. Ex. 1153. On September 21, 1998, DCF licensing personnel noted areas where this submission needed to be changed. Ex. 1154.

The interim executive director at Haddam Hills testified that during the period of August through November 1998, things were good but Haddam Hills had trouble getting DCF to fill beds. Bahrenburg, p. 268. There was continued interaction between Haddam Hills and DCF concerning the desire of Haddam Hills to increase the number of beds. Lovie Bourne was the conduit for these discussions. Bourne, pp. 92 - 93.

DCF issued a Third Provisional License to Haddam Hills Academy for 25 beds for male youth effective September 26, 1998. Ex. 1073. The date this license was signed was not indicated on the license. Ex. 1073. Another Third Provisional License to Haddam Hills Academy was issued effective September 26, 1998, this time for 40 beds for male youth. Ex. 1077. Although the date this license was signed was not indicated on the license, it appears to have been issued on October 20, 1998, which is the date on accompanying correspondence from DCF. Ex. 1075; Ex. 1076. An October 20, 1998 memorandum from Lovie Bourne to John Claude Bahrenburg states: "We are all very pleased by how your program has progressed." Ex. 1075. A Fourth Provisional License to Haddam Hills Academy for 40 beds for male youth was issued by DCF effective November 25, 1998, although the date that this license was signed was not indicated on the license. Ex. 1078.

Rudy Brooks sent Haddam Hills a letter dated November 30, 1998 discussing licensed bed capacity. The letter expressed a commitment to increase the licensed bed capacity to 50 upon Haddam Hills receiving Department of Education approval to educate 50 children. Ex. 1178. The DCF licensing inspector assigned to Haddam Hills Academy did not receive the letter until it had already been sent out and does not know who was involved in determining that Ex. 1178 was DCF's response.<sup>21</sup> McPherson, pp. 103 - 104.

[Juvenile Justice] certainly had a lot of involvement with this program, and in that regard had quite a large say in what services they wanted Haddam Hills to be providing, so it would make sense that Lovie would have a conversation with them about this issue. She [Bourne] had conversations with them about a variety of services that she felt Juvenile Justice needed from them.

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We weren't always a part of those discussions.

McPherson, p. 107.

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<sup>21</sup>The licensing inspector also pointed out that for such a letter to be issued by the Bureau of Juvenile Justice would be unusual in today's practice. In 1998 it was not clear what was unusual since he had only recently started his job. McPherson, pp. 104 - 105.

Lovie Bourne was at Haddam Hills “an awful lot” while John Claude Bahrenburg was the interim executive director in 1998. Bahrenburg testimony, Brower trial 10/24/2001, pp. 27 - 28. Lovie Bourne remembers feeling that the program at Haddam Hills started slipping late in 1998 when Robert Suerken became the interim executive director. Bourne, pp. 104 - 105. Bourne tried to visit there more often to meet with the boys and look for anything out of the ordinary, although she did not have any protocol for her visits.<sup>22</sup> Bourne, pp. 106 - 107. Unfortunately, despite all of the time that Bourne spent at the facility, she did not take appropriate steps to determine that the facility was operating properly.

Q Did you ask the boys questions intended to get out whether or not they felt safe?

A I would not go into a campus and ask a child “Do you feel safe here?” I would not do that.

Q Did you ask them questions intended to assess whether or not the supervision was adequate?

A I did not get any feed back from either the parole officers or anyone that was going on there. I did not get any feedback, nor from the boys, that there was an issue.

Q Did you ask questions intended to assess whether or not there was adequate supervision?

A Of the boys?

Q Of the boys.

A I would not ask a child that. I would not go out to start trouble where I did not have any indication that there was trouble.

Q Okay. Are you familiar with the types of techniques that one might use to interview a child about those issues without stirring up trouble?

A I have never interviewed a child.

Q Did you ask any of the children questions to assess whether or not they had access to drugs on campus?

A I did not.

Q Okay.

A That was done by parole.

Q Okay. So I’m starting to understand some of the things that you didn’t do. I suppose what I’m trying to get a sense of is what you did do. So if you can explain to me, in your own words, the type of topics that you did explore?

A I never talked to the boys about any issues like that.”

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<sup>22</sup>As noted earlier, Bourne viewed her role as making sure that the program was following rules and procedures and alerting people to anything inappropriate. Bourne, p. 19.

Bourne, pp. 108 - 109.

Bourne did not review incident reports and did not review Haddam Hills logs that were maintained at the campus. She viewed those tasks to be licensing functions. Bourne, p. 110. Bourne also did not assess the supervision on campus.

Q Do you consider yourself qualified to assess whether or not the supervision at the campus was adequate?

A I did not get involved with that.

Q Okay. That's not my question. My question is whether you considered yourself qualified to assess whether or not there are problems with supervision on campus?

A I don't know.

Q You don't know whether or not you're qualified?

A I don't know whether or not I'm qualified to do that.

Bourne, p. 110.

Nor did Bourne assess the behavior management programs. She viewed licensing as the group that was qualified to assess the supervision and behavior management programs. Bourne, pp. 110 - 111.

Q ... [N]evertheless, you had a concern when Bob Suerken went in as the interim executive director that things were slipping but weren't able to see anything during your visits that gave you any concern?

A In hindsight, that's correct.

Bourne, p. 111.

Even though Lovie Bourne was not taking appropriate steps to find out what was "slipping" at Haddam Hills, incidents were happening at the facility which raised concerns. DCF's February 24, 1999 review of incident reports maintained in the individual case files of residents at Haddam Hills revealed incidents during 1998 which included the following: another AWOL incident, incidents of property destruction, numerous incidents of physically aggressive behavior, numerous incidents of physical injuries, residents being in the possession of cigarettes, a positive drug screen for a resident, incidents of stealing and gambling. Ex. 1197. This same review revealed incidents during January and February 1999 which included the following: numerous AWOL incidents, incidents of property destruction, numerous incidents of physically aggressive behavior, numerous incidents in which therapeutic holds were used, numerous incidents of physical injuries, incidents of residents being in areas where they were not supposed to be, residents being in the possession of cigarettes, a positive drug screen for a resident, incidents of stealing and gambling. Ex. 1197. The DCF inspector who conducted this review of 1998 and 1999 incidents reported that the number of incidents "may be indicative of a level of acceptance of aggressive behavior within the culture of the program." Ex. 1197. These incidents were matters that Haddam Hills was certainly aware of as they were unfolding, although DCF

did not compile this information until February 1999 during the course of an inspection by a facilities inspector from the DCF Licensing Unit.

Moreover, juvenile parole officers at Long Lane School were starting to develop concerns about Haddam Hills. “My sense of parole officers from Long Lane, Nancy Tudor in particular, I believe had some concerns. There may have been other parole officers that spoke with her who had kids there as well.” Schultz, p. 107.

The facts demonstrate that during the same time that DCF continued to issue additional provisional licenses increasing the bed capacity at Haddam Hills, the agency continued to document serious concerns at the facility. DCF felt pressure to increase the number of beds due to overcrowding at Long Lane School. While other personnel at DCF continued to document problems, inexplicably Lovie Bourne’s correspondence continued to include encouraging remarks to Haddam Hills about the facility’s supposed progress. Because of overcrowding at Long Lane School, the DCF Bureau of Juvenile Justice continued to lead DCF’s interaction with Haddam Hills instead of the Licensing Unit. Most importantly, the needs of the children at Haddam Hills Academy were not being served.

#### ***4. DCF Managers Were Aware of the Problems at Haddam Hills Academy During the Provisional Licensing Period.***

During the period of time that Haddam Hills Academy operated under provisional licenses, DCF managers were clearly aware of what was going on — including managers in the Bureau of Juvenile Justice and in the Bureau of Quality Management.

During 1998, Bureau Chief Rudy Brooks periodically discussed Haddam Hills Academy with Bureau Chief Gary Blau and Licensing Director Gary Minetti. R. Brooks, p. 117. However, Brooks remembers being completely preoccupied with issues at Long Lane School during that time period, particularly in light of the Tabitha B suicide. R. Brooks, pp. 118, 129 - 130. By the end of 1998, things were not going well at Haddam Hills. DCF was hoping that technical assistance would enable Haddam Hills to improve, and was providing technical assistance from Juvenile Justice. R. Brooks, pp. 127 - 129.

Long Lane School Assistant Superintendent John Watts was very involved in providing assistance to Haddam Hills. During the period in 1998 that John Claude Bahrenburg was interim executive director at Haddam Hills, Long Lane School Assistant Superintendent John Watts observed continuing issues with youth and staff behaviors, youth and drugs, youth running away, lack of supervision, some assaults on staff, and always rumors of drugs. Watts would learn this directly from youth since he would talk to all of the youth returned to Long Lane School. Watts, pp. 22 - 25. The sense that Watts had was that things got worse when interim executive director Robert Suerken took over. There were still issues with youth smoking pot, AWOL, going out the windows, climbing up to the roof to smoke pot, and youth threatening to commit suicide, based upon reports from parole officers. Watts, pp. 51 - 53.

It should have been clear to DCF at this time that technical assistance was not working. While DCF may have been very involved in providing technical assistance to the facility, DCF

was still documenting very serious problems. Senior managers at DCF were aware of these problems. All this was within several months of Haddam Hills Academy opening up.

#### **D. DCF SHOULD NOT HAVE ISSUED A REGULAR LICENSE TO HADDAM HILLS ACADEMY IN 1999.**

As Haddam Hills Academy was moving towards one year of operation, an issue of significant consequence for DCF was whether or not to issue a regular license for the facility. During this period of time, DCF utterly failed to take proper action to protect the children at Haddam Hills Academy, notwithstanding substantial knowledge of serious problems, the most significant of which was the Hotline report concerning hit squads (Ex. 1644).

##### ***1. DCF Failed to Consider Additional Provisional Licenses for Haddam Hills Academy.***

At the beginning of 1999, Haddam Hills Academy was operating under the Fourth Provisional License. This license was effective November 25, 1998 for a period of 60 days. Ex. 1078. Accordingly, this license expired towards the end of January 1999. Under Conn. Gen. Stat. § 17a-151(a), DCF's licensing statute, provisional licenses may be issued for periods of up to 60 days for no longer than 1 year. This effectively allows up to 6 provisional licenses. In the ordinary course of events there should have been a Fifth Provisional License and a Sixth Provisional License unless a regular license was issued.

DCF could not produce copies of either a Fifth or Sixth Provisional License. Nor could such documents be located in DCF files. Minetti, p. 82; McPherson, p. 39. In the absence of documents reflecting such licenses, we have to conclude that DCF never issued either a Fifth or Sixth Provisional License.<sup>23</sup> If a Fifth and Sixth Provisional License had been issued, this would have carried Haddam Hills Academy through the end of May 1999.<sup>24</sup>

##### ***2. In 1999 DCF Should Have Denied the Regular License Sought by Haddam Hills Rather Than Issuing A Regular License With Conditions.***

In 1999, DCF took the highly questionable action of issuing a regular license with conditions to Haddam Hills Academy notwithstanding the fact that Haddam Hills Academy had failed to demonstrate compliance with DCF regulatory requirements. The regular license with conditions was issued despite the fact that the DCF Hotline had issued the Hotline Report concerning "hit squads" at Haddam Hills Academy.

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<sup>23</sup>The licensing inspector believes that such licenses were issued. McPherson, p. 39. Licensing Director Gary Minetti does not know. Minetti, p. 82. The inability to obtain a clear answer as to whether or not such licenses were issued from a review of DCF records shows a serious shortcoming in the manner in which DCF maintains records of licenses.

<sup>24</sup>The provisions of Conn. Gen. Stat. § 17a-151(a) indicate that the suspension, revocation or limitation of such licenses required notice and an opportunity for a hearing. Read together with Conn. Gen. Stat. § 4-182(b) this means that the existing license continued in effect until DCF took final action on the license. While Haddam Hills Academy did not lose its licensed status through DCF's failure to issue a Fifth or Sixth Provisional License during the time that DCF considered the application for a regular license to be pending, the absence of a Fifth or Sixth Provisional License suggests that DCF dropped the ball in its regulatory oversight of Haddam Hills Academy.

Prior to issuing a regular license, a comprehensive site visit was conducted on March 23, 1999 including numerous quality assurance and juvenile justice personnel. A comprehensive agenda included numerous topics to evaluate under the areas of behavior management, physical plant, program content, training, clinical, school, communication, staff and corrective action plan. Ex. 1203A; Ex. 1203B; Ex. 1203C. This agenda included the concerns expressed by juvenile parole officers. G. Brooks, p. 46. Concerns discussed included a need for policies and procedures, high leadership turnover, a poor behavior management system, concerns about the school curriculum and some physical plant issues. Ex. 1205.

Notes of a DCF debriefing following the site visit include the following concerns: an inappropriate restraint, locked windows, showers without hot water and some not working, staff being on the floor for two months without restraint training and other staff training issues. Ex. 1207. John Watts recalls a site visit revealing many significant physical plant issues. These included: rugs in shambles, dirty rooms, holes in walls, pipes coming out that youth could harm themselves on by hanging on the pipes. Watts, pp. 48 - 49.

The site visit was discussed at a DCF meeting on March 30, 1999. Ex. 1208. Arnold Trasente's notes of this meeting reflect the following concerns: (1) whether a child can be in the "critical thinking room" for 48 hours and what this means; (2) reporting of incidents to Parole is poor; (3) Dennis Muhammad manages chaos, creating a potential for the facility to be unsafe; (4) the school is inconsistent with some classes having no work going on; (5) physical control is excessive and inappropriate; (6) ineffective programming and reward systems; (7) unsafe environment and restraints for inappropriate reasons; (8) staff not trained fully in restraints; and, (9) youth can be aggressive with each other. Ex. 1209.

Also on March 30, DCF spoke with Haddam Hills indicating that windows in resident bedrooms should not be sealed shut. Ex. 1208. In addition, a meeting was scheduled to discuss the site visit with Peter Brown for April 16, 1999. Ex. 1208. James McPherson provided written feedback concerning training issues at Haddam Hills on March 31, 1999. Ex. 1210. Around this time, DCF had received information that John Claude Bahrenburg had told Haddam Hills staff to stop certain training since staff turnover was too high to justify the expense. Ex. 1213; Panchura, p. 39. After initial training, staff at Haddam Hills received little follow-up training and the quality assurance director position at Haddam Hills was eliminated. McPherson, p. 122.

Internal DCF e-mails reflect that there were many internal DCF discussions during April 1999 concerning the "hit squad" issues and addressing these issues with Peter Brown. Ex. 1214A; Ex. 1214B; Ex. 1214C; Ex. 1214D; Ex. 1215; Ex. 1216A; Ex. 1216B; Ex. 1217A; Ex. 1217B. Kenneth Mysogland discussed these issues with Bureau Chief Rudy Brooks. Rudy Brooks took part in a meeting which included Gary Minetti and John Watts concerning sitting down with Peter Brown about these issues. Mysogland, p. 163. Dan Panchura and Gayle Brooks met with Peter Brown on April 13, 1999. Ex. 1218B. Gayle Brooks reported: "I feel confident that Peter [Brown] has solid plans to improve programming, and I believe that Dan [Panchura] shares my view." Ex. 1218B.

On May 6, 1999, the DCF Hotline issued a report concluding that particular staff persons at Haddam Hills Academy systematically used residents as a "hit squad" against other residents. The report substantiated physical abuse, emotional abuse, physical neglect, emotional neglect

and program neglect at Haddam Hills Academy. Ex. 1644. This report reached the following conclusion:

The reality at Haddam Hills of adult sanctioned youth violence has created an environment of fear, secrecy, mistrust, and physical danger. Haddam Hills Academy cannot be considered a safe or viable placement for children or youth without immediate and credible corrective action and safety plans.

Ex. 1644.

Managers at DCF were uniform in describing the Hotline report concerning hit squads as among the most serious that they have seen.<sup>25</sup> *E.g.*: Blau, p. 140; R. Brooks, p. 147; Minetti, p. 133. The hit squad allegations were “pretty frightening and people seemed to be pretty concerned all around.” Panchura, p. 29. After Panchura completed the Hotline report concerning the hit squads it was his sense that Haddam Hills would be closed. Panchura thought that the problems were striking, and the convergence of the kids’ stories remarkable. Panchura, pp. 145 - 146.

... Haddam Hills didn’t seem to be serving the kids very well. And it didn’t compare well with other programs at the time from my perspective. I hadn’t seen that level of that kind of disturbance in a program before.

Panchura, p. 146.

Deputy Commissioner Thomas Gilman was aware of the Hotline report concerning “hit squads” and felt that a substantial follow-up was warranted. Gilman, pp. 37 - 38. From Gilman’s point of view, the continuum of possibilities included licensing and program review, termination of staff, monitoring and limiting admission, and licensing options from putting the facility on probationary status to revocation. Gilman, p. 40. Deputy Commissioner Stacey Gerber learned of the Hotline report in May or June of 1999, although she did not actually see it until the Fall.<sup>26</sup> Gerber, pp. 63 - 64, 68.

Gilman was part of the internal DCF discussions with respect to these options. Gilman, p. 49. The emerging consensus at DCF was that individuals at Haddam Hills would be terminated, the issues would not occur again, and there would be a corrective action plan. Ken Mysogland had a different perspective. Gilman, pp. 49 - 50. Deputy Commissioner Stacey Gerber came late to this consensus. Gilman, pp. 49 - 50. Gerber had wanted a more severe sanction and raised the issue of license revocation. Gilman, pp. 52 - 53. Commissioner Kristine Ragaglia testified that the hit squad allegations are within the description of the types of matters that she would like to know about personally. Ragaglia, p. 60. However, Ragaglia did not become aware of the May 6,

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<sup>25</sup>Tragically, there are Hotline reports with respect to more serious matters such as child fatalities, life threatening injuries, horrible sexual abuse, torturing of a child. Ragaglia, p. 64; Gerber, p. 70. This does not take away from the seriousness of the report. This report was “very serious.” Ragaglia, p. 64.

<sup>26</sup>In May 1999 Gerber learned of concerns regarding supervision of children, program and staff misconduct from Gary Blau, although she did not know that they tied in to a Hotline report. Since she did not know that these concerns related to a Hotline report she was not in a position to give Blau all of the direction she might have wished to do. Gerber, pp. 65 - 66. After actually reading the report Gerber felt that the issues raised by the report were more serious than she had been led to believe. Gerber, p. 70.

1999 Hotline report until early in 2001<sup>27</sup> in response to media inquiries and preparing for legislative testimony. Ragaglia, pp. 59 - 60. As of the date of her testimony (April 2002), she has not read the whole report in detail.<sup>28</sup> Ragaglia, p. 61.

The Hotline investigation concerning hit squads was only one of many interactions between DCF and Haddam Hills as the time approached to make a decision concerning a regular license.

Mysogland remembers a meeting with Peter Brown in May 1999 in which Brown was very defensive. Mysogland, p. 172. Mysogland and Minetti agreed that the meeting was a waste of time. Mysogland, p. 174.

There was another comprehensive visit to Haddam Hills Academy on May 27, 1999. A detailed agenda was prepared for this visit. Ex. 1225. DCF documented a number of concerns. While approximately 50% of the youth felt safe, the others believed that the facility was dangerous and that something could happen at any time. Ex. 1227; Ex. 1228. Some youth felt that the youth were in charge of the facility. Ex. 1227; Ex. 1228. There were concerns about youth not having enough to do and staff not engaging the youth. Ex. 1227; Ex. 1228. Notes were made concerning lack of structure and programming. Ex. 1227; Ex. 1228.

Gary Minetti summed up the concerns from the May 27, 1999 visit as a weak and ineffectual educational program, physical plant issues (bathrooms disgusting), safety for youth and a “risky environment.” Minetti, p. 124. At this time Minetti believed that some youth felt they were at risk and some didn’t. Minetti, p. 148. Arnold Trasente stated: “I think we still had the sense that the kids felt unsafe there and that the kids could still get hurt.” Trasente, p. 244. Trasente’s general sense was that there was no programming and still problems with structure. Trasente, p. 244.

Haddam Hills Academy submitted to DCF a Corrective Action Plan intended to address issues raised in the May 6, 1999 Hotline report concerning “hit squads” on May 26, 1999. Ex. 1224. An internal DCF discussion<sup>29</sup> on May 28, 1999, including Director of Licensing Gary Minetti, Arnold Trasente, Jim McPherson and other DCF staff, included discussion concerning the following three licensing options: (1) revoke license/ deny initial application; (2) issue regular license; (3) conditional license. Ex. 1229; Ex. 1230. The consensus was to go with a conditional license. Ex. 1230; Trasente, p. 245. “[I]t couldn’t be business as usual.” Trasente, p. 245. Minetti indicated that DCF was faced with a bad situation but that the desire was not to close the program down since there were youth DCF wanted to keep there and Peter Brown was trusted. S-47, p. 56.

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<sup>27</sup>However, Ragaglia does recall Deputy Commissioner Gilman indicating to her in the Fall of 1999 that there were some issues at Haddam Hills, that staff had been fired, and that the issues would be resolved. She had no sense that this was connected to Ex. 1644. Ragaglia, p. 67. She did not inquire further. Ragaglia, p. 68.

<sup>28</sup>She testified that she read the portions related to the hit squad and after reading that felt that she had read enough. Ragaglia, p. 61.

<sup>29</sup>The discussions concerning the corrective action plan ultimately led to attaching stipulated conditions to the initial regular license that was issued by DCF. The stipulated conditions on the license were replaced a few weeks later, at the end of July 1999, by a regular license that did not have any stipulated conditions. These issues are discussed below.

We were very aware that the provisional time period was ending and we were faced with needing to make a decision as to whether to issue a regular license, not to issue a license and just defer a decision or to revoke their license. I mean, ultimately we needed to decide if they qualified for a license or not.

McPherson, pp. 128 - 129.

Thomas De Matteo remembers discussions with Minetti regarding the license. The two options available were to issue the license or not. This view was not consistent with Minetti's, so they figured out that the best way would be to issue a license and still include some of the provisions of a provisional license. At that time De Matteo felt that DCF did not have the authority to unilaterally impose license conditions but could do it by agreement. De Matteo, pp. 9 - 10. De Matteo had discussed with Minetti concerns about treatment of youth at Haddam Hills. De Matteo, p. 12.

I felt that if we weren't happy with a facility, we should not issue a license, because once we issued a license, we are saying they are in compliance with our regulations. If they weren't in compliance, then we shouldn't do it.

De Matteo, p. 13.

A letter from DCF to Haddam Hills dated May 28, 1999 indicates that DCF intended to give Haddam Hills a regular license subject to a licensing agreement to be worked out addressing corrective action plan issues. Ex. 1231.

There was a meeting with Juvenile Justice Bureau Chief Rudy Brooks to discuss the status of Haddam Hills on June 1, 1999. Ex. 1232. "The general expectation was since this program served exclusively Juvenile Justice youth, he needed to be informed what steps were taken." Trasente, p. 247. Trasente's notes indicate that Rudy Brooks agreed with a provisional license. Ex. 1232. As far as Rudy Brooks was concerned, issuing a regular license was hinged on acceptance and agreement with the corrective action plan. R. Brooks, p. 151.

Just a few days later, on June 2, 1999, DCF Licensing Director Gary Minetti developed a chart, in which the various issues addressed in the May 2, 1999 Hotline report concerning the "hit squads" were matched up with the relevant sections of DCF regulations. Ex. 1233B. The chart indicated the issues that Minetti felt were regulatory violations. Minetti, pp. 125 - 126. At the one year point, Haddam Hills was out of compliance in a number of areas. Minetti, p. 127. Nevertheless, there was little consideration to denying a license for being out of compliance, since DCF was working under the assumption that the problems were solvable and workable. Minetti, pp. 126 - 127. Minetti felt that in light of the Hotline report, DCF had the tiger by the tail. According to Minetti, DCF had a huge sigh of relief when Peter Brown became the executive director of Haddam Hills. Brown had expertise and DCF was willing to give him wide latitude. Minetti remembers Bureau Chief Gary Blau being happy about this development. Minetti, pp. 128 - 129.

During June 1999, DCF was reviewing the proposed corrective action plan relative to the issues flagged in the Hotline report concerning the "hit squads". Bureau Chief Rudy Brooks memorialized this upcoming review in June 1, 1999 notes which also indicated an agreement for

a “provisional” license. Ex. 1232. Individuals from the DCF licensing unit, Program Review and Evaluation Unit and Juvenile Justice, including Bureau Chief Rudy Brooks and Director of Licensing Gary Minetti were involved in this review. Ex. 1234, Ex. 1235, Ex. 1236, Ex. 1237. Arnold Trasente’s June 4, 1999 notes indicate that there was to be a regular license with conditions. Ex. 1237.

On June 10, 1999, Trasente e-mailed Bureau Chief Gary Blau with a status report on the corrective action plan. The e-mail reflects information coming from John Watts as the Juvenile Justice lead on corrective action implementation. Ex. 1239.

On June 11, 1999, John Watts circulated a draft monitoring plan around DCF. Ex. 1240. The key concerns that had been discussed among various DCF personnel were ultimately reflected in stipulated conditions to the regular license for Haddam Hills. Ex. 1081, Ex. 1082.

On July 7, 1999, a draft agreement containing stipulated conditions for the license to be issued to Haddam Hills was sent to the facility. Ex. 1246. The agreement was executed on July 13, 1999. Ex. 1082. DCF issued a regular license to Haddam Hills Academy on July 13, 1999, although the date the license was signed was not indicated on the license. Licensing Director Gary Minetti signed this license. Ex. 1081. The license was issued for a term of two years, retroactively effective to May 28, 1998, for 40 males, and was expressly conditioned on the stipulated agreement. Ex. 1081. The key points of the stipulated agreement were: (1) implementation of an effective quality assurance system including training, staff supervision, collection and analysis of incident reports, regular review and update of the behavior management system, integration of all components of the program, and adequate documentation; (2) a plan to ensure appropriate supervision of residents and resident safety in the residential and educational setting; (3) training concerning mandatory reporting obligations on an ongoing basis, along with adequate documentation; and, (4) very detailed conditions concerning restraint and seclusion of residents. Ex. 1082. DCF personnel including Gary Minetti, James McPherson, Gayle Brooks, and possibly John Watts met with Peter Brown on July 13, 1999 concerning the license. Brown expressed a willingness to comply with the conditions, didn’t have any issues, and signed the licensing agreement. McPherson, p. 151.

Licensing Director Gary Minetti indicated that the stipulated agreement arose since he was not comfortable with a regular license and not prepared to move to revocation. Minetti recalls consulting within DCF about how to proceed. Minetti, pp. 84 - 85. Minetti remembers that Blau, Minetti and De Matteo were on the same page in entering into the stipulated agreement. Minetti, p. 91.

Bureau Chief Gary Blau believed that DCF could issue a regular license when there were outstanding regulatory compliance issues.<sup>30</sup> Blau, p. 151.

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<sup>30</sup>Of course, this is contrary to the terms of Conn. Gen. Stat. § 17a-151(a) which require that the applicant satisfy DCF that all requirements are met. A provisional license is available if the applicant can satisfy DCF that compliance can be achieved with minimal effort. Provisional licenses are authorized in renewable 60 day increments not to exceed one year. At this time in May 1999 provisional licensing would no longer be available to Haddam Hills Academy since it had already operated under provisional licenses for the one year maximum.

Q And if the Department were to issue a regular license when the Department were under the belief that the regulations were not in compliance -- strike that -- that the facility was not in compliance with the regulations, then the Department would really be acting inconsistently with its own statutory scheme. Isn't that right?

A The context of this is important. So let me answer your question directly and say yes. I don't want to deny that we issued this regular license and there were problems here.

Blau, p. 153.

Blau recognizes that the decision to issue a regular license in 1999 was not a run of the mill decision and would have expected to have been a part of this decision as Bureau Chief. He assumes that he had a role, although he does not remember. Blau, p. 157. Blau does remember issues about the legal sufficiency of a provisional license being discussed and the decision to issue a regular license and follow through with corrective action. His recollection was that this decision to issue a regular license was not cleared with higher authority. Blau does remember the concept of conditions on the license being discussed. Blau, pp. 158 - 160.

Deputy Commissioner Stacey Gerber was not aware that Haddam Hills Academy did not yet have a regular license. She believes that this should have been discussed with her in light of the Hotline report. Gerber, p. 71. She also believes that the license should have come to her attention given the nature of the attached licensing agreement. Gerber, p. 74. Gerber did discuss with Gary Blau the corrective action steps and the role program staff would have in monitoring. Gerber, p. 72. Blau did not say that the license was coming up. Gerber, p. 72. However, she did not take it upon herself to ask about the licensing status of the facility. Gerber, p. 71.

Rudy Brooks understood that a facility had to be in regulatory compliance to get a regular license. Brooks didn't see how Haddam Hills could have been in regulatory compliance at the time the regular license was issued since there were still issues that needed to be addressed. R. Brooks, p. 156. At this time, Haddam Hills was not meeting DCF standards. "It was a lot better but it wasn't there yet." G. Brooks, p. 97.

When asked whether she analyzed how the decision was made to issue a regular license to Haddam Hills Academy when the facility was not in compliance with licensing requirements Gerber indicated:

Well, prior to today [testimony in April 2002], I looked at some of the issues. I have learned some new information as a result of what I read today that would prompt me to have some further questions around how that works and how we can make sure that these things don't have an opportunity to happen again.

Gerber, pp. 219 - 220.

During this same period of time that DCF was considering issuance of a regular license for Haddam Hills, a campus audit was conducted by Lake Grove Experience, an affiliated organization. The campus audit included a site visit from May 25, 1999 through May 27, 1999. The Lake Grove Experience report was dated July 26, 1999. Ex. 1251. Minetti remembers seeing

this document but does not remember when.<sup>31</sup> Deficits in the report would have been of concern to Minetti, including safety and welfare of youth, physical plant and treatment. Minetti, pp. 148 - 150. This report makes clear that even while Haddam Hills Academy was gaining a regular license, Haddam Hills itself was well aware of problems at the facility.

Statutorily, this license should not have been granted by DCF. It is clear from DCF's own records that DCF did not view Haddam Hills as being in compliance at the time. Granting Haddam Hills Academy a license under such circumstances violated Conn. Gen. Stat. § 17a-151(a). Since Haddam Hills did not establish compliance following one year of provisional licensure it did not satisfy the statutory requirements for a regular license. The regular license should have been denied to protect the youth who had been placed at Haddam Hills Academy and the youth should have been placed elsewhere.

Licensing Director Gary Minetti explained that the regular license was issued nevertheless because the Hotline information was months old and potentially dated and since the new Haddam Hills Executive Director, Peter Brown, was prepared to resolve the issues. Minetti, p. 130. Minetti acknowledged that there were other Hotline reports during this period and that the report concerning the hit squads was one of the most egregious that he had seen. Minetti, pp. 131, 133.

Q So if that can't get a denial of a regular license that is up for consideration, what can?

A If all of the elements of that report continue to be in place at the time that you are prepared to issue a new license I would agree with you. And I am not so sure that that was the case.

And I think what we are going to have to do is look at where was Dennis Muhammad at the time that the license was issued? Where were we with Peter and the corrective action plan? Where were we with some of the specific identified staff that we felt in particular were strong-arming or encouraging the strong-arming of the kids?

Q Where was Dennis Muhammad? Aren't there indications, even after the regular license was issued, of people at DCF asking Haddam Hills questions of whether or not he is still on campus?

A Absolutely.

Q So at the time that the license was issued, you thought that he was still on campus?

A That's correct.

Q Was that a concern?

A A big concern.

Q So how did that get reflected in the license?

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<sup>31</sup>DCF received the Lake Grove internal audit of Haddam Hills Academy, Ex. 1251, in January 2000. Mysogland, p. 184.

A I was concerned about his influence, even though he was barred or -- I don't know what his employment -- I don't recall what his employment status was. But if his presence was still on campus, that was a concern.

Q So you still had a lot of major concerns?

A Yes. And we were addressing those in corrective action documents, yes. As opposed to addressing them by moving to another provisional license status.

Q So, I mean -- and I won't belabor the point, but let me get back to my question again. Why is it that having faith in the current executive director, you know, effectively trumped the various other concerns that you have and the documented noncompliance issues and the documented concerns that you still had at the time that that regular license was issued?

A Because -- I can only speak for myself. I would have argued that Peter deserves the opportunity to turn this around. We have an understanding of where the mess is and where the issues are. He is new on campus. We know that we have to make some big moves quickly and we know that we are going to have to monitor it carefully. But I would have argued that we need to take the opportunity to see if Peter can pull this off.

Minetti, pp. 133 - 135.

The issue was not whether Haddam Hills Academy or its latest executive director, who was evidently trusted by DCF management at the time, "deserved" an opportunity to turn the facility around. Instead, DCF should have focused on whether or not the children at Haddam Hills Academy were safe. DCF was required by law to focus on whether Haddam Hills Academy had demonstrated that all of the regulatory requirements for a regular license were satisfied. Minetti himself had reached the conclusion that Haddam Hills was out of compliance with numerous regulatory provisions, and developed a chart for his own use that summarized that information. Ex. 1233B; Minetti, pp. 125 - 127.

It is also clear that DCF, including some senior managers, knew that Haddam Hills did not satisfy the regulatory requirements for a regular license. Bureau Chief Gary Blau and Licensing Director Gary Minetti were clearly very involved in the decision to issue the license and were the DCF managers with direct responsibility for licensing. Bureau Chief Rudy Brooks was consulted and agreed with the decision. Deputy Commissioners Stacey Gerber and Thomas Gilman were also involved in internal DCF discussions about what to do with Haddam Hills Academy following the May 6, 1999 Hotline report. Deputy Commissioner Stacey Gerber recognizes that the license with conditions should probably not ever have been issued. Gerber, p. 78. Gerber had no sense that the corrective action plan would lead to a licensing agreement, Gerber, p. 73. They all failed to properly communicate and exercise their responsibilities to the youth at Haddam Hills Academy.

### ***3. Having Just Issued A Regular License With Conditions DCF Should Not Have Dropped the Conditions Just A Few Weeks Later.***

Even more shocking than DCF inappropriately issuing a regular license to Haddam Hills Academy in 1999 is that only a few weeks later it dropped stipulated conditions meant to help correct serious problems, by reissuing the regular license without them. At the time the conditions were eliminated from the license, there was no indication whatsoever of any improvement at Haddam Hills. In fact, even during the extremely short period of time between the initial regular license with conditions and the later license without conditions, DCF documented additional concerns at the facility.

Another regular license, this one without conditions, was issued within a few weeks of the regular license containing conditions. Licensing Director Gary Minetti signed the regular license without conditions. Ex. 1080. Some DCF officials were not even aware of the license without conditions being issued until preparing for testimony in connection with this investigation. Blau, p. 167; De Matteo, p. 14; Gerber, p. 74.

The fact that senior managers at DCF were unaware that the conditions to the Haddam Hills Academy license were dropped is extraordinary, indeed close to incredible. With all of DCF's involvement with Haddam Hills Academy during its life, as well as significant attention to DCF's role being given by the General Assembly's Select Committee on Children and others, DCF managers should have been accountable for this action at the time it occurred.

Commissioner Kristine Ragaglia did not know of dropping the stipulated conditions until the last two weeks prior to her April 2002 testimony in connection with our investigation.<sup>32</sup> Ragaglia, p. 70. Deputy Commissioner Stacey Gerber was not aware of this license until a week prior to her April 2002 testimony in connection with our investigation, although she feels that she should have been aware of it. Gerber, p. 74. Bureau Chief Gary Blau testified that he has become aware of the later license dropping the conditions, but was not aware of it at the time. "It is an anomaly here." Blau, pp. 163 - 164. "It's clear that it happened and it's clear that we don't really have a good explanation as to why." Blau, p. 166. To the best of Blau's knowledge no one has been able to figure out how the conditions were deleted, and no records at DCF shed light on how the second license came to be issued. Blau, pp. 170 - 171.

The regular license without any conditions was issued for a term of two years, retroactively effective to May 28, 1998, for 40 males. Ex. 1080. Although the date of signing was not indicated on the license, it appears to have been issued on July 30, 1999, which is the date on a cover letter from DCF. Ex. 1079, Ex. 1080. The regular license without the stipulated conditions was clearly issued later than the license with stipulated conditions. McPherson, pp. 40 - 42. Accordingly, the stipulated conditions were only in effect for a couple of weeks.

During the time period between the two licenses, and prior to the issuance of the regular license without the stipulated conditions, Arnold Trasente visited Haddam Hills Academy. His observations of a July 22, 1999 site visit included the following: (1) shift coverage was down in

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<sup>32</sup>Ragaglia had no knowledge of the license with the conditions or of the license that removed the conditions. Ragaglia, p. 71. During the whole time of her preparation for a presentation in May 2001 to the General Assembly's Select Committee on Children, no one told her about them. Ragaglia, p 71.

the morning; (2) summer school program fell through since there were no teachers to do it; (3) first shift staffing was at a ratio of 1:6 to 1:7 during the day with a note questioning the safety with too little staff; (4) youth were getting bored with activities; (5) broken windows; (6) staff supervision is casual; (7) a continuing problem with lack of water for showers; and, (8) poor staff to child and child to staff boundaries. Ex. 1250.

There is some evidence that pressure from Haddam Hills may have had something to do with the conditions being dropped. Gayle Brooks recalls being present at a meeting at Haddam Hills along with John Watts where they saw the license with conditions on Peter Brown's desk. Gayle Brooks recalls being "dumbfounded" at that, since she did not think that a license could be issued with conditions. G. Brooks, pp. 62 - 63. Watts recalls Peter Brown "having a fit" about the license, feeling that it was illegal. Brown evidently called Watts after the conditions were signed, related his own experience as a DCF employee doing licensing in the past, and said that DCF had to either give him a license or not give him a license. Brown said to Watts that Brown felt he had no choice but to sign the license. Watts, pp. 78 - 84. Jim McPherson remembered that someone from Haddam Hills or Lake Grove complained. McPherson, p. 42; Panchura, pp. 50 - 51.

Gayle Brooks spoke with Rudy Brooks and Gary Minetti about the license conditions and indicated that Rudy Brooks was not happy. G. Brooks, pp. 64 - 65. Rudy Brooks indicated to her that he "went downstairs"<sup>33</sup>, although she does not know who he talked to. G Brooks, p. 67. Rudy Brooks does not have any recollection of how the stipulated conditions were dropped. R. Brooks, pp. 158 - 162.

The various DCF personnel who were very involved in framing the licensing conditions did not participate in the decision to drop the conditions. This was a significant failure of communication within DCF.

James McPherson, the licensing inspector, told others at DCF that Minetti had instructed him to issue the license without the stipulated conditions and that McPherson did not like it. S-47, pp. 60 - 61. McPherson thought that the decision to issue the license without the conditions seemed odd. McPherson was very disappointed and disheartened. He testified that had he been asked for his input, he would have recommended maintaining the stipulated conditions. McPherson, pp. 43 - 44.

Thomas De Matteo was surprised to learn of the license without conditions in light of working on the conditional license and was not consulted with respect to removing the conditions. De Matteo, p. 14. Trasente recalls the explanation that issuing a license with conditions was not something that they could do and believes that the decision was made by Gary Minetti. Trasente, p. 255.

James McPherson remembers being instructed to issue the license without the conditions.

I don't know specifically why, but other than I heard, I believe, through Gary Minetti that either Haddam Hills or administrators for the Lake Grove Experience had expressed concern about the agreement after we have already had the meeting

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<sup>33</sup>The Bureau of Juvenile Justice offices are on the 10th floor of 505 Hudson Street, Hartford, CT while the Quality Assurance Offices are on the 9th floor.

and it had been signed. Shortly after that I received an E-mail from Gary [Minetti].

\* \* \*

Just stating that we've essentially been told to issue a regular license without any mention of a stipulated agreement, and that's what I did.

McPherson, p. 42.

Minetti testified that he has no recollection as to what happened between July 13, 1999 and July 30, 1999 resulting in the license being issued without the stipulations. Minetti, pp. 87 - 89. He had a "twinge" as to a challenge to whether the statutory authority permitted a conditional license with stipulations. Minetti, p. 89. He also recalls undergoing a serious medical procedure in July 1999 although he was not on any medication of the sort that would have impaired his cognitive abilities. Minetti, pp. 92 - 93. Although Blau did not remember the conditions being dropped, Blau also testified that he probably would have supported Minetti on the subject. Blau, p. 165.

It is clear that Haddam Hills Academy did not qualify for a regular license since it had not met all of the requirements for a license in Conn. Gen. Stat. § 17a-151 and DCF regulations. Despite the facility's serious failings, DCF granted a regular license but imposed conditions on that license in an effort to force the facility to comply with DCF's regulatory requirements. Incredibly, several weeks after issuing Haddam Hills a license with conditions, DCF then rescinded the conditions it had imposed.<sup>34</sup> There was no sign of improvement and no basis whatsoever for concluding that the protections of the stipulated conditions were no longer needed to protect children. Through dropping the stipulated conditions, DCF clearly failed in its obligation to protect children.

#### ***4. Problems at Haddam Hills Academy Continued in 1999 Following the Issuance of the Regular Licenses.***

Following the issuance of the regular licenses, DCF continued to have a great deal of interaction with Haddam Hills Academy. Instead of problems being resolved, they continued to surface.

There was further action on the corrective action plan following the issuance of the licenses. On August 31, 1999, Haddam Hills submitted an Action Plan Update to DCF. Ex. 1262. Gary Minetti recalls being in charge of the review of this plan. Minetti, p. 148. However, Bureau Chief Gary Blau recalls that Juvenile Justice was still in the lead role in reviewing the corrective action plan. Blau, pp. 218 - 219. DCF's review of this plan indicated that it was not adequate. Arnold Trasente, for example, noted on September 1, 1999 that it needed a systemic review of the steps taken concerning the core issues. Ex. 1263.

Another in depth internal discussion at DCF took place on August 23, 1999. This discussion included Bureau Chief Rudy Brooks, Bureau Chief Gary Blau, Hotline Director

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<sup>34</sup>If anything, DCF should have recognized that it made a mistake by granting the regular license with conditions at all and initiated proceedings to revoke the license that it had issued.

Kenneth Mysogland, Arnold Trasente, Daniel Panchura and other DCF staff. Ex. 1257. Issues discussed at this meeting included whether or not Dennis Muhammad was still on campus, youth smoking, youth testing positive for marijuana and cocaine, physical plant issues including no hot water and water not draining in bathrooms. Ex. 1256; Ex. 1258.

The August 23, 1999 internal meeting was followed by a meeting with Haddam Hills personnel at the DCF central office on August 31, 1999. DCF attendees included Bureau Chief Gary Blau, Hotline Director Kenneth Mysogland, Thomas De Matteo, Arnold Trasente, John Watts, Dan Panchura and others. Haddam Hills attendees included Peter Brown. Ex. 1260. The purpose of the meeting was to discuss DCF's concerns about Haddam Hills. Panchura, pp. 57 - 58. This meeting included a discussion of overall concerns about the facility and the corrective action plan. De Matteo, pp. 16 - 17. The meeting was tense. Peter Brown was defensive and gave the impression that he was there now and would make this better if DCF gave him the time. De Matteo, pp. 18 - 20. Gary Blau was upset and frustrated, Kenneth Mysogland was mad. Watts, p. 96 - 98. One DCF employee described the meeting as "a big fight." G. Brooks, p. 69. There was also a discussion of whether Dennis Muhammad was still on campus. Panchura, pp. 57 - 58. Peter Brown expressed concern that the previous corrective action plan was not reviewed. Watts, pp. 99 - 100.

The DCF staff present at the meeting discussed it among themselves afterwards. The tenor of the discussion was that it would be difficult to improve if Peter Brown was not cooperative. De Matteo, p. 20. The DCF staff present felt that Peter Brown was responding very defensively. DCF was left with the impression that Haddam Hills still had a long way to go. McPherson, pp. 170 - 172.

Haddam Hills wrote DCF concerning the corrective action plan following a September 2, 1999 meeting expressing "differences regarding approach and process" but nevertheless welcoming "DCF's objective evaluation of our plan as well as recommendation [sic] that will eventually assist us in enhancing program efficiency." Ex. 1265. An Action Plan Update was submitted by Haddam Hills Academy to DCF nearly three months later, dated November 26, 1999. Ex. 1295. The submission followed a November 16, 1999 letter to Peter Brown from Bureau Chief Gary Blau in which Blau addressed a number of concerns. Ex. 1285.

Commissioner Ragaglia visited Haddam Hills in September 1999 with Rudy Brooks. Ragaglia, pp. 71 - 72. Ragaglia recalls Peter Brown stating that things were moving and showing her a policy that he had just finished. Ragaglia, p. 74. Rudy Brooks remembers visiting Haddam Hills with Commissioner Ragaglia. He recalls some physical plant issues, although he felt there was a good deal of improvement in the physical plant issues that existed when Haddam Hills was allowed to open. R. Brooks, pp. 168 - 175. In responding to a question concerning the physical plant issues, Rudy Brooks noted:

Why are we, a year and a quarter later [after Haddam Hills opened] still having [physical plant] issues that needed to be addressed.

\* \* \*

We just were.

R. Brooks, p. 175.

Haddam Hills wrote Ragaglia on September 8, 1999 thanking her for her visit and also noting that her observation concerning the rugs will be addressed. Ex. 1266. After the visit Ragaglia asked Rudy Brooks how the place could get licensed with the policy not done. She recalls Brooks telling her that it was getting done and her saying it had better get done. Ragaglia, p. 74. However, Ragaglia did not pursue this issue with anyone from Quality Management. Ragaglia, pp. 73 - 74.

Early in October 1999, a DCF meeting including Juvenile Justice staff, Hotline staff and Arnold Trasente focused on allegations of Haddam Hills staff involvement in drug dealing. Specific steps to address the allegations were discussed at the meeting. Ex. 1276. Mysogland spoke with Gary Minetti some time during Fall 1999 about the Haddam Hills staff person who was a convicted felon driving the agency van, youth testing positive for drugs, inappropriate restraints, and staff being out of control. Minetti told Mysogland that Minetti would address these problems. Mysogland, p. 191.

Numerous concerns were noted during a visit on October 14, 1999. These included the following: youth smoking pot, cigarettes, youth going AWOL since they did not feel safe and positive drug tests of youth. Ex. 1278; McPherson, pp. 176 - 180.

On November 10, 1999, a staff member at the DCF Hotline sent an e-mail to Hotline Director Kenneth Mysogland and to Dan Panchura, who was then working for the Quality Assurance Division at DCF. This e-mail raised a number of significant issues concerning Haddam Hills Academy. Ex. 1280. Dan Panchura prepared his own e-mail on November 12, 1999, which was circulated to many DCF quality assurance and juvenile justice personnel, raising numerous serious concerns, including the following: (1) Peter Brown not being accessible to DCF personnel; (2) residents “basically running wild”; (3) reports of suspected abuse and neglect being filed with the DCF Hotline by clinicians at Haddam Hills Academy; (4) the consulting clinical psychologist at Haddam Hills resigning after not being able to reach Peter Brown for 4 weeks to discuss quality of care provided to residents and who also had concerns about the effectiveness of leadership; and (5) concerns about the lack of a program. Ex. 1281A; Ex. 1281B; Ex. 1281C. There was also a serious concern about Dan Panchura’s internal e-mail being inappropriately faxed from Long Lane School to Haddam Hills Academy and DCF’s failure to properly investigate this. The issues concerning the faxing of the e-mail are discussed in a later section of this report.

This e-mail gave the overall sense that the staff and youth were not “jelling” — an ongoing issue about the sort of program at the facility, supervision issues and facility staff not doing what was best. Blau, pp. 185 - 186.

[F]or a clinician to say that they’re frustrated with the program or that they have concerns about the program is really kind of a bell going off that there’s something that needs to be paid attention to.

Trasente, p. 272.

Shortly thereafter, on November 16, 1999, Bureau Chief Gary Blau sent a letter to Peter Brown addressing a number of concerns, including the failure to produce a comprehensive policy and procedure manual, limited effectiveness of staff training and supervision, and incidents of

physical and emotional maltreatment of clients by staff. Ex. 1285. Blau noted in the letter that “these concerns, if not addressed, will significantly jeopardize the Department’s confidence in the ability of Haddam Hills Academy to safely and effectively serve clients.” Ex. 1285. Blau wrote this letter himself, intending it to be a shot across the bow to get the attention of Haddam Hills. Blau, pp. 211 - 212. Blau’s letter was copied to Deputy Commissioner Stacey Gerber and Bureau Chief Rudy Brooks, among others.<sup>35</sup> Ex. 1285. The letter also invited Haddam Hills Academy personnel to a meeting at DCF on November 29, 1999 to discuss these concerns. Ex. 1285.

On November 26, 1999, Peter Brown sent Gary Blau a letter responding to and purporting to rebut a number of the points Blau raised. Ex. 1294A. Blau was perturbed with the response, believing that Brown did not take the concerns seriously and was defensive rather than trying to work with DCF. Blau was not in agreement with Peter Brown’s response and spoke to him about it by telephone. Blau, pp. 212 - 214.

At this time, Rudy Brooks had not yet lost confidence in Peter Brown but viewed Haddam Hills as a facility that needed help, assistance and scrutiny.<sup>36</sup> R. Brooks, p. 225. Peter Brown had indicated to Rudy Brooks that he couldn’t get along with Gary Blau and Ken Mysogland. R. Brooks, pp. 235 - 236.

While Bureau Chief Gary Blau was concerned about the substance of this e-mail, evidently Licensing Director Gary Minetti was not. The words in Ex. 1281A “Peter Brown is not very accessible when Steve is there” is not something that Minetti would look into any further. Minetti, pp. 165 - 166.

The information comes secondhand, filtered because of that, and indicates that Peter is not very accessible. Absent more information, I’m not going to proceed further with that, that is correct.

Minetti, pp. 167 - 168.

Similarly, Minetti would not inquire further into the concerns raised about clinicians.

Q Is that something that you want to look into further after seeing this?

A Similarly, to my previous comment, not without having a better understanding of what the issue is.

Q So without anymore understanding, you just leave that alone?

A That is correct.”

Minetti, p. 170.

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<sup>35</sup>Gerber recalls Blau discussing with her this letter and Ex. 1294A which was Peter Brown’s response. Gerber was home on maternity leave at the time. Gerber, pp. 82 - 83, 85.

<sup>36</sup>By this time lead responsibility for Haddam Hills had passed from Bureau Chief Rudy Brooks to Bureau Chief Gary Blau. Brooks remembers a meeting where the Commissioner said that this had to be a quality assurance issue. Rudy Brooks, pp. 214 - 216.

An internal DCF meeting was held on November 29, 1999 which included Gary Blau, Gary Minetti and Arnold Trasente. The issues discussed at the meeting included taking the following steps to address Haddam Hills concerns: collaboration between Haddam Hills and parole services to address problems at the facility, review of the corrective action plan, critical indicator data from Haddam Hills Academy, a contract, and opening of admissions. Ex. 1297.

At some point, Panchura's internal e-mail was faxed to Haddam Hills Academy from a DCF fax machine. The Governor's Office contacted DCF about the faxed e-mail on December 2, 1999. Ex. 1301B; Ex. 1302A. Among other things, the inquiry from the Governor's Office asks whether the investigation is still going on and how the e-mail got to Peter Brown at Haddam Hills. Ex. 1301B. DCF Licensing Director Gary Minetti sent a memorandum to Commissioner Ragaglia on December 2, 1999 addressing the concerns raised by the Governor's Office. Ex. 1302A. Another copy of this memorandum contains Ragaglia's handwritten note that she wanted to see Gary Blau about this that same day. Ex. 1302B.

Commissioner Ragaglia was aware of this issue. Ragaglia, pp. 75 - 76. Ragaglia discussed the information in Ex. 1302A with the Governor's Office. Ragaglia, p. 78. Deputy Commissioner Stacey Gerber, who was on maternity leave at the time, was not aware of the faxed e-mail until early 2000 and was not aware of the inquiry from the Governor's office. Gerber, p. 88. No one told Gerber about it when she returned from maternity leave.<sup>37</sup>

At the end of his memorandum, Minetti assured Commissioner Ragaglia that programmatic concerns that below the level of abuse or neglect would be followed up by his staff. Ex. 1302A. Minetti's assumption was that the Commissioner reading this would have expected that he would be doing something about the programmatic concerns below the level of abuse or neglect. Minetti, pp. 193 - 194. He later stated, however, he was not intending to convey the intention of taking any action at all, just noting generally that program concerns that arise at DCF licensed facilities came under his purview. Minetti, p. 195. The question is: what would have prompted Minetti to take action.

Haddam Hills Academy clearly received a great deal of DCF attention during 1999. However, by the end of 1999 Haddam Hills was not fully in compliance with DCF's licensing requirements. McPherson, p. 199. This was after 1½ years of operation.

I would say today we would expect a much higher degree of compliance from someone on a regular license than Haddam Hills demonstrated in 1999. At that time I don't think our standard was very clear of what level of compliance warranted a regular license.

As I said previously, the past practice of licensing was to perform a licensing inspection, write a report, and then send a license. There was no -- there was no red flag, if you will, that said if a certain number of violations occur you go on provisional license or if certain regulations are violated that gives you a

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<sup>37</sup>Gerber was on maternity leave from September 1999 through December 1999. Gerber, p. 17. Although working part time at the end of December 1999 Gerber was not really back until January 4 or 5, 2000. Gerber, p. 90. During the time that Gerber was on maternity leave Bureau Chief Gary Blau reported directly to Commissioner Ragaglia. Gerber, pp. 18 - 20; Ragaglia, p. 12.

provisional license. There was no clear standard as to what providers were on a regular license and which ones were on provisional license.

McPherson, pp. 199 - 200.

Bureau Chief Gary Blau remembers that during the period from August through November 1999, he kept Deputy Commissioner Stacey Gerber generally informed about what was going on with respect to Haddam Hills. Blau, pp. 181 - 183. Blau viewed his own role as overseeing the process but not doing hands-on tasks. Blau, p. 145.

I probably, in terms of my style, I probably have more style of letting people do what they do and come to me, rather than sort of have regular update time.

Blau, p. 145.

Blau recognizes that, in hindsight, he should have been more proactive as Bureau Chief. Blau, p. 146. Blau did not get involved in corrective action details, delegating that task to Gary Minetti and trusting Minetti to perform his responsibilities in a timely manner. Blau, p. 146 - 147.

Internal DCF e-mails reflect that as the end of 1999 approached DCF was once again preparing to discuss numerous recurring issues at Haddam Hills Academy, which DCF had not effectively resolved. On December 23, 1999, Gary Blau passed on information provided to him by a Hotline staff member that there may be large scale resignations of clinical staff at Haddam Hills Academy who were looking to have an "on the record" meeting with DCF regarding their concerns. Ex. 1316. Gary Minetti recalls recommending to Hotline that there not be a clandestine meeting with Haddam Hills staff. Minetti, pp. 199 - 200. Hotline Director Kenneth Mysogland was concerned that Minetti was not as eager to hear what Gary Berte, one of the Haddam Hills clinicians, had to say. Mysogland, pp. 210 - 211. In Mysogland's view there was a difference in perspective between Hotline and Quality Assurance at this time with Hotline saying that something should be done since the youth are not safe and Quality Assurance saying that Haddam Hills deserved more time to correct the problems rather than be shut down. Mysogland, p. 211.

On December 29, 1999, John Watts indicated that he had set up a meeting for January 6, 2000 for all of the Parole Officers to meet with Peter Brown. Ex. 1317A; Ex. 1317B. Finally, on December 30, 1999, Gary Blau indicated that he and Ken Mysogland have set up an internal DCF meeting for January 6, 2000 to discuss then current concerns with respect to Haddam Hills Academy. Ex. 1318A; Ex. 1318B.

DCF appears to have been poised finally to address the profoundly significant concerns evident since Haddam Hills' opening. Once again, DCF did nothing.

##### ***5. DCF Should Not Have Renewed the Haddam Hills Academy Regular License in 2000.***

Calendar year 2000 began with DCF obtaining significant additional information regarding serious problems at Haddam Hills yet, DCF discussions concerning the possible

revocation of its license led, incredibly, instead to early renewal of its regular license. The first year of the new millennium marked another 12 months of DCF failure to take appropriate action. It was also another year in which DCF failed to adequately protect the children at Haddam Hills.

(A) THERE WERE MEETINGS AT DCF DISCUSSING HADDAM HILLS ACADEMY  
ISSUES AND WHAT TO DO.

There were two sets of discussions taking place at DCF at the very beginning of 2000 with respect to Haddam Hills Academy — one involving all of the juvenile parole officers, and the other involving key DCF personnel assessing what to do. In both discussions, there was a sense that there were some people at DCF that did not want to hear about problems at Haddam Hills Academy.

On January 6, 2000, all of the juvenile parole officers had a meeting with Haddam Hills Academy Executive Director Peter Brown. Ex. 1319. Brown was asked what was going on with the staff, allegations of drugs, staff beating up on youth and youth running the facility. S-54, pp. 23 - 25. Brown said he had a plan to make things better at Haddam Hills. S-52, p. 42; S-54, pp. 23 - 25. He was reminded that the juvenile parole officers had heard all that before but seen no improvement. S-51, pp. 16 – 17; S-52, p. 42; S-54, p. 25.

One parole officer described the January 6, 2000 meeting as follows:

Everyone was upset about it. The part that really upset everyone at the meeting is we didn't get a chance to say how we felt about Haddam Hills. I think because they probably thought the meeting was going to get ugly because we were all upset about Haddam Hills and we wanted the place closed and here we are having a meeting support [sic] Peter Brown and this facility, a facility we thought should be closed.

S-52, p. 35.

Similarly, there was a set of discussions involving Hotline and quality management personnel. As noted above, Gary Minetti recommended to Hotline that there not be a clandestine meeting and Hotline Director Kenneth Mysogland was concerned that Minetti was not eager to hear this information. Minetti, pp. 199 – 200; Mysogland, pp. 210 - 211. Mysogland spoke with Gary Blau about his frustrations with the facility, lack of response, lack of integrity with Peter Brown. Blau said to Mysogland that the issues were being addressed with corrective action plans and unannounced visits. Mysogland, pp. 213 - 214. Mysogland followed up directly with Gary Blau and Gary Minetti. Mysogland, p. 220.

There was a meeting at DCF on January 6, 2000, which included Gary Blau, Rudy Brooks, Gary Minetti and Ken Mysogland. Ex. 1095; Mysogland, p. 228. The outcome of the meeting was to meet with Gary Berte, a clinician at Haddam Hills Academy, and hear his concerns.<sup>38</sup> Mysogland, p. 229.

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<sup>38</sup>In addition, Commissioner Ragaglia recalls that in January 2000 she told Gary Blau that Blau needed to meet with Gary Berte and find out what is going on. Ragaglia, p. 83.

Meeting with Gary Berte, and other clinicians, to hear concerns about Haddam Hills Academy was clearly a good suggestion. DCF should always be willing to listen to concerns being expressed about DCF licensed facilities in order to maintain appropriate quality of care standards. However, DCF personnel such as juvenile parole officers or Hotline Director Kenneth Mysogland, should not have been frustrated in raising concerns and obliged to press other managers to address them.

(B) DCF MET WITH CLINICIANS FROM HADDAM HILLS ACADEMY.

A meeting was set up between DCF staff and several clinicians at Haddam Hills Academy for January 12, 2000. DCF staff at the meeting included Gary Minetti, Kenneth Mysogland, Thomas De Matteo, John Watts, Arnold Trasente,<sup>39</sup> as well as some others. Ex. 1325. The information presented by the clinicians at this meeting raised very serious concerns about the facility.

Issues discussed at this meeting included supervision, inappropriate restraints, abusive punishment, insufficient staff training, insufficient communication between clinicians and other staff, attempts to suppress mandated reporting, the executive director not being accessible to the clinicians, as well as numerous concerns about drugs. The concerns about drugs included youth testing positive who had not left the facility, drugs being available on campus, youth smoking pot with staff, staff giving pot to youth to smoke on New Years Eve. Ex. 1324; Ex. 1326; Ex. 1327; Ex. 1671; Ex. 1672; Minetti, pp. 210 - 211; De Matteo, pp. 26 - 28.

One of the clinicians described to us concerns that were discussed with DCF at the meeting. This clinician considered Peter Brown to be part of the problem — not accessible or interacting with the youth, providing specific examples of inappropriate interaction. S-69, pp. 12 - 14. This clinician reported being on the phone to DCF every day making lots of Hotline reports. S-69, p. 19.

Well I remember staff would be reading the newspaper while kids were on the floor and things needed to get done, whether it was homework or, I don't know, clean their rooms or address an issue with their treatment plan, so like things were just not happening that way.

S-69, p. 19.

This clinician reported these matters to the clinical supervisor. The supervisor informed the clinician that Hotline calls had to be approved so the clinician started making Hotline calls from home.<sup>40</sup> S-69, pp. 19, 21 - 22. This clinician also noted that there was always a lack of staff, marijuana and cigarettes on campus and female staff having sex with a youth. S-69, pp. 22 - 23.

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<sup>39</sup>Trasente recalls being present at Hotline but did not personally meet with the clinicians. He was told by Minetti that Minetti did not want too many people in the room, Trasente, pp. 293 – 297, another occasion when Trasente's expertise was not fully utilized.

<sup>40</sup>In comments made to the General Assembly Select Committee on Children on May 15, 2001 Commissioner Kristine Ragaglia pointed out that at the end of 1999 there were fewer Hotline reports, which she regarded as a sign of improvement at Haddam Hills. "There were less Hotline reports, meaning less allegations coming in of abuse and neglect." Ragaglia comments, Select Committee on Children (videotape, May 15, 2001). Another reason for fewer reports, much more insidious, is the fact that Haddam Hills Academy was attempting to control its clinicians making

The concerns raised by the Haddam Hills Academy clinicians with DCF were very serious — resulting in some serious internal discussions at DCF concerning what should be done.

(C) DCF DISCUSSIONS WITH RESPECT TO REVOCATION OR OTHER LICENSING ACTION ULTIMATELY LED TO THE REGULAR LICENSE FOR HADDAM HILLS ACADEMY BEING RENEWED EARLY.

Serious concerns raised by clinicians at Haddam Hills Academy in their meeting with DCF resulted in significant internal discussion at DCF about what to do. Unfortunately, the highly questionable outcome of these discussions was to renew the regular license for Haddam Hills Academy several months early.

There were two internal DCF discussions concerning what the clinicians had said. The first was on January 12, 2000 at the Hotline immediately following the interviews with the clinicians. The second was on January 13, 2000. Some DCF employees recall these meetings leading to a consensus to revoke the license at Haddam Hills while others recall that there were two schools of thought at DCF, one to take licensing action and the other to gather more information. In any event, DCF ultimately renewed the license early.

On January 12, 2000, immediately following the interviews of the clinicians the DCF personnel present discussed what they had heard.<sup>41</sup> The possibility of license revocation was discussed as an option at this meeting. Minetti, p. 230. Thomas De Matteo expressed the opinion that there was enough information to proceed with revocation. Minetti, p. 232. Minetti recalls the agreement at the meeting being a plan to seek more information. Minetti, p. 231. However, at least two DCF employees recall that the consensus of the group was that DCF should be revoking the license. Panchura, pp. 101 - 102; McPherson, pp. 204 - 205.

At the end of the meeting we reached a consensus where we felt like the program was sufficiently out of compliance for an extended period of time and that children's safety was significantly in question and a consensus was that we should approach this as proceeding towards revocation. Mr. De Matteo explained somewhat to us the revocation process, and we felt comfortable that that was an appropriate way to go. Towards the end of the meeting I recall Mr. Minetti calling Gary Blau and informing him that this was our recommendation.

McPherson, pp. 204 - 205.

Minetti called Gary Blau at the end of the meeting. Minetti, pp. 234 - 235; Mysogland, pp. 58 - 59, 246 - 247. Minetti recalls calling Gary Blau about this meeting but not what they talked about. Minetti, pp. 234 - 235. While Blau does not remember what Minetti told him, Blau

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reports as noted in the main text. This is clearly contrary to Conn. Gen. Stat. § 17a-101 et seq. concerning mandatory reporting. A much more plausible reason for the decreasing number of Hotline reports was a combination of the attempt by Haddam Hills to control these reports together with the fact that the clinicians primarily making reports were leaving Haddam Hills.

<sup>41</sup>This is also the same day that the Governor's Office e-mailed Gary Blau concerning the internal DCF e-mail (Ex. 1572) that had been faxed from Long Lane School to Haddam Hills Academy. Ex. 1329. The January 12, 2000 e-mail was clearly a follow-up to the Governor's Office contacting DCF on December 2, 1999.

recalls that very serious concerns were raised and that the discussion at DCF afterwards was about gathering more information to assess whether or not a licensing action was appropriate. Blau, pp. 229 - 230.

There was also an internal DCF meeting on January 13, 2000 following up on the previous day's interviews with clinicians at Haddam Hills Academy. Issues discussed at this meeting included: substance abuse, youth having drugs without going off grounds, concerns of clinical staff, restraints, safety issues, and use of "pain compliance." Ex. 1333; Trasente, pp. 300 - 302. Trasente's notes indicate that the Commissioner was "okay" with interviewing youth. Ex. 1333. Hotline personnel were concerned that Gary Minetti was not buying into all that the clinicians said at the January 12, 2000 meeting. English, p. 44. The Hotline personnel were adamant that Haddam Hills needed to be shut down and needed a major intervention since youth were not safe. Mysogland, pp. 235 - 236.

At this time, Haddam Hills Academy was not in compliance with DCF's licensing regulations. The licensing inspector even organized his notes of the meeting with the clinicians according to the regulatory provisions with which he felt Haddam Hills was not in compliance. Ex. 1327; McPherson, pp. 205 - 207.

Hotline Director Kenneth Mysogland recalls that during the January 13, 2000 meeting Gary Minetti said that he had looked at the concerns, the corrective action plan and the whole licensing facility package and would have graded Haddam Hills Academy with a B. Mysogland, p. 243.

I remember that specifically, because I was absolutely irate that we had gone through a day of interviewing [clinicians], we had already met the week before, we had not just talked as a big group where our own licensing guy is saying it's reasonable that you could shut them down, but our own agency comes up with giving them a B....

Mysogland, p. 243.

Mysogland also recalls Minetti saying that Gary Blau had talked with Deputy Commissioners Thomas Gilman and Stacey Gerber. Blau wanted to make sure that the Commissioner gave the go ahead to have all of the youth at Haddam Hills interviewed and to have urine screens. Mysogland, pp. 245 - 246.

During this period, Gary Blau told Deputy Commissioner Stacey Gerber of concerns at Haddam Hills Academy. Blau indicated that the program at Haddam Hills was not tightly run or supervised, Peter Brown was an absentee type, and clinicians were concerned about the lack of an appropriate treatment environment. Gerber, pp. 94 - 95. Concerns included potential substance abuse by youth, lax supervision and chaotic environment. Gerber and Blau discussed structured information gathering, working with Parole on surveys to get feedback, as well as talking with staff and youth about what Hotline was investigating. Gerber, pp. 90 - 92.

At this time, there were essentially two camps at DCF. Thomas De Matteo was of the view that DCF should take a licensing action and that the evidence supported an action. De Matteo, p. 34; Trasente, pp. 298 - 299; English, p. 44; McPherson, pp. 205 - 207. De Matteo

also said that there was enough basis to close admissions. Mongrain, p. 30. Ken Mysogland supported this view and felt strongly that the program was not safe. De Matteo, p. 34; Trasente, pp. 298 - 299; McPherson, pp. 205 - 207. Gary Minetti wanted to gather more information before there was a decision. De Matteo, pp. 34 - 35; Trasente, pp. 298 - 299.

Minetti eventually was the decision maker. Trasente, pp. 298 - 299. Deputy Commissioner Gerber claims that she had no knowledge of any people at DCF who thought that the agency should proceed towards revocation. Gerber, p. 95.

According to Arnold Trasente's notes, there was a meeting a few days later, on January 18, 2000, at Long Lane School which included Gary Minetti and John LaChapelle. Among other things, the notes reflect that the Commissioner approved a plan, which included interviews of all children at Haddam Hills Academy by Parole and Hotline staff, and that Program Review and Licensing would review records and data. Ex. 1334. These notes also indicate that "10<sup>th</sup> Floor<sup>[42]</sup> wants memo of recommendation for this facility." Ex. 1334.

On January 20, 2000, Gary Minetti circulated a memorandum to Program Review and Licensing staff for an "important discussion" to be held on January 21, 2000. Ex. 1336. This was followed by a visit to Haddam Hills Academy on January 24, 2000. Minetti's notes of the January 24, 2000 visit reflect a decision to conduct a "Full top to bottom licensing review" the following week. Ex. 1342.

Licensing inspector James McPherson did not know how DCF got from a consensus on January 12, 2000 to pursue revocation to a meeting on January 24, 2000 discussing a full licensing inspection. McPherson, p. 212.

This whole inspection was done sort of outside the norm of the way we operated. Gary [Minetti] was fully aware and told us to go out early.

McPherson, p. 48.

I guess my overall impression was that the Department felt like they wanted to continue to try to work with this program and not revoke the license. That was the best I could surmise from the direction that we were going in.

McPherson, pp. 213 - 213.

Gary Minetti had a discussion with Peter Brown on January 26, 2000 in which Minetti discussed the decision to do a full licensing inspection. Minetti's notes indicate that he told Brown that although the inspection is on short notice it is "not a witch hunt" and that Minetti "will review results in a 'reasonable way'." Ex. 1346. Minetti's decision to let Peter Brown know about the licensing visit in advance was viewed by Minetti as a professional courtesy. Minetti, pp. 252 - 254.

Q Is the object to have the facility put its best foot forward or is the object to see the facility the way that the facility ordinarily operates so that you have a

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<sup>42</sup>The Commissioner and other executive staff of DCF have offices on the 10<sup>th</sup> floor of 505 Hudson Street in Hartford, Connecticut.

sense of the conditions to which the children are actually exposed on a day-to-day basis?

A My way of responding to that is to say that full licensing visits are scheduled in advance and providers have ample notice of our coming. That is the process that we follow.

Q Did you ever consider that part of the process that you should follow should include information that's developed through unannounced visits that may have a tendency to present a more accurate snapshot of the way the facility is really operating?

A Yes, I did.

Q And you rejected it?

A No. We were conducting unannounced visits during this time frame, including weekends.

Q But this full licensing visit was completely announced?

A Yes, it was.

Minetti, pp. 255 - 256.

Gary Minetti discussed the issue of closing admissions with Gary Blau on January 26, 2000, and indicated that there was insufficient hard data to close admissions. Minetti also gave a full briefing to Rudy Brooks. Ex. 1347.

On January 21, 2000, Haddam Hills Academy sent letters, signed by Peter Brown, to the Governor and to Commissioner Ragaglia touting its program. Ex. 1340. Ragaglia forwarded the correspondence to Gary Blau and Rudy Brooks. Ex. 1340. Rudy Brooks "thought it was a joke" to receive the letter since the facility was touting new programs while "they were struggling with what they had." R. Brooks, pp. 253 - 254. Commissioner Ragaglia logically could have inquired about the true status of the program at Haddam Hills.

DCF's licensing visit to Haddam Hills Academy proceeded at the beginning of February 2000. On February 1, 2000, John Claude Bahrenburg called Gary Minetti to complain about the licensing visit. Among other things, Bahrenburg indicated that the licensing visit was "harassment at the highest level", conducted in bad faith and the result of hidden agendas. Ex. 1354. Minetti agreed to attend the exit conference for the licensing inspection. Ex. 1354. Deputy Commissioner Stacey Gerber was aware of the licensing review in February 2000, although she did not discuss the license status with Gary Blau, was not aware that the license was up for renewal in May 2000 and was not aware that the licensing review was several months early. Gerber, p. 98.

At the same time that licensing was conducting its visit, the Program Review and Evaluation Unit also conducted a visit. On February 2, 2000 Peter Brown complained to Gary Minetti about the visit. Ex. 1355.

During that site visit on February 2, 2000, one of the youth at the facility reported no therapy for a week and a half. Trasente noted the absence of any groups and also that Haddam Hills indicated that there were no clinicians since it was down two clinician positions. Ex. 1357; Trasente, pp. 312 - 313. Trasente was good about keeping Minetti informed of Trasente's observations during 2000. Minetti, pp. 322 - 323.

Minetti was clearly aware of the visit to Haddam Hills by Program Review staff on February 2, 2000. Ex. 1355. He recognizes that it is possible that the Program Review staff would have had observations relevant to the exit conference. However, this was not part of the discussion at the exit conference. Minetti, p. 273. Minetti does not recall any discussion at the exit conference about concerns with respect to drug use, about youth being safe, about the adequacy of supervision or about the status of the corrective action plan. Ex. 1358; Minetti, p. 275, 288. The largest problem reflected in Minetti's notes was the recurring problem with windows. Ex. 1358; Minetti, p. 289.

Trasente participated in another site visit on February 15, 2000. During this visit, Trasente had many significant observations. This included: (1) addressing concerns with Haddam Hills about a sex abuse allegation concerning one of the female staff performing oral sex on one of the youth; (2) a group run by a new clinician in which the youth were popping in and out, the absence of structure or boundaries, very loud and in which one could hear the youth screaming; (3) eroded effectiveness of the group; (4) youth getting agitated in the evening; (5) youth getting agitated on the third floor; (6) concerns about staff supervision; (7) youth in rooms without staff checking on them; (8) a youth on the roof. Ex. 1372; Trasente, pp. 314 - 316. As Trasente pointed out: "It was a very upsetting visit. There were some significant problems that we saw." Trasente, pp. 314 - 316.

There is no indication of Trasente's observations being taken into account at all in the licensing review that Gary Minetti was overseeing at the same time. In fact, the licensing reinspection report (Ex. 1389) does not reflect the issues that Trasente observed concerning problems with supervision, staff effectiveness in maintaining calm, and not having adequate clinical staff to provide services. Trasente, pp. 322 - 323. Since Minetti acknowledged that Trasente was good about keeping Minetti informed it is probably true that Minetti was in fact aware of Trasente's concerns at the time the license review was performed. In fact, Minetti was present at a February 28, 2000 meeting at DCF during which the earlier problematic site visit was referenced. Ex. 1381; Trasente, pp. 318 - 319.

DCF discussions during February 2000 included the highest levels of management. A February 15, 2000 meeting included Deputy Commissioners Gerber and Gilman, as well as Rudy Brooks, Ken Mysogland and Gary Minetti. Ex. 1365. This meeting included a discussion of the possibility of license revocation.

The February 15, 2000 meeting reviewed Hotline investigations and noted some program concerns. Gerber, p. 102. Minetti indicated that he no longer felt revocation was appropriate, that while Haddam Hills had not fully recovered it had barely turned the corner. Ex. 1365; Gerber, pp. 102 - 103. Blau felt the same way. Gerber, pp. 102 - 103. Others, including Deputy Commissioner Gilman and Rudy Brooks had concerns but wanted to continue working with the

program. Gerber, pp. 102 - 103. Hotline Director Kenneth Mysogland felt there were serious safety concerns and that Haddam Hills should no longer be operating. Gerber, pp. 103 - 104.

Deputy Commissioner Stacey Gerber felt that DCF should no longer use the program, taking into account the history of program concerns which were present from the start and continuing over time. While some felt there was progress, Gerber did not feel that it was significant enough “given where they were in their license status” and the time and technical assistance provided by DCF. Gerber felt that Haddam Hills should be further along. Gerber, p. 104. There was a long discussion in which she and Mysogland had one perspective and everyone else had another.<sup>43</sup> Gerber, pp. 105 - 106. Even though Gerber was higher in the licensing chain of command than anyone else present at the meeting, she deferred to the expertise of the quality management and program people to leave the children in place and not proceed with revocation. Gerber, pp. 106 - 107. Gerber acknowledges in hindsight that this was “absolutely not” the appropriate thing to do. Gerber, p. 107.

I think that I should have continued to persevere and say we should either -- both revoke a license and remove the children.

Gerber, p. 107.

Deputy Commissioner Stacey Gerber also indicated that she did not know that this discussion would also lead to renewal of the license for Haddam Hills Academy. Gerber, p. 118. Neither Blau nor Minetti discussed that the meeting would lead to the renewal of the license. Gerber, p. 118 .

Gerber briefly discussed the meeting with Commissioner Ragaglia. Gerber shared with Ragaglia Gerber’s concern that Gerber and Mysogland had a difference of opinion with everyone else. Ragaglia supported what the group had decided. Gerber, pp. 107 - 108.

Commissioner Kristine Ragaglia was aware that during the period from January through March 2000, high level people at DCF including two Deputy Commissioners, an Assistant Commissioner and bureau chiefs were gathering to make decisions about whether or not Haddam Hills Academy should continue. Ragaglia, p. 85. Ragaglia knew that Gerber wanted to shut the program down and was under the impression that Gerber was the only one aggressively advocating for the closing of the program. Ragaglia, pp. 85 - 86.

Q Who were your sources of information with respect to what was discussed at that meeting?

A Stacy Gerber.

Q Anyone else?

A *I only remember talking to Stacy about it briefly.*

Q *When you say briefly, how briefly is briefly?*

A *Thirty seconds.*

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<sup>43</sup>Gerber recalls Blau also sharing that Thomas De Matteo was of the view that there was enough for revocation but that Gary Minetti did not agree. Gerber, p. 106.

Q Did you ask any further questions as to what was going on?

A In terms of the program?

Q Yes.

A She indicated that the group felt that the program was improving and should be given an opportunity to continue to improve, and that, therefore, the program was not going to be closed.

Q But she indicated that she didn't share that view?

A That's true.

Q Did you inquire further as to why?

A No, I did not. Let me restate that. I don't remember inquiring further as to why.

Q But you recall the conversation being very brief?

A Yes.

Ragaglia, p. 86 (emphasis added).

DCF personnel continued to have substantial interaction with Haddam Hills Academy. On February 16, 2000, a letter from Haddam Hills Academy to DCF reported a couple of examples of positive drug screens. Ex. 1374. Haddam Hills submitted another corrective action plan on February 17, 2000.<sup>44</sup> Trasente reviewed the plan on February 28, 2000. Ex. 1380.

Trasente circulated a memorandum within DCF on March 10, 2000, including a draft corrective action plan that DCF was developing for Haddam Hills Academy. The memorandum indicates that the new plan was a "significant change in content" addressing current areas of concern drawn from various components of DCF. Ex. 1383A. That notwithstanding, on March 16, 2000, Gary Minetti sent a letter to Haddam Hills with respect to the corrective action plan that described the "excellent work to date" of Haddam Hills. Ex. 1385.

The fact that DCF was formulating its own corrective action plan, as reflected in Ex. 1383A, suggests that Trasente was not happy with what was going on at Haddam Hills Academy concerning the corrective action plan it sent to DCF. Blau, p. 263 - 264. Contrasting this with Minetti's letter (Ex. 1385) which contains encouraging words about the corrective action plan being developed by Haddam Hills indicates that Minetti and Trasente had disparate views. Blau, pp. 265 - 266. Bureau Chief Gary Blau indicated that this would have been left for the two of them to resolve. Blau, pp. 265 - 266. At the same time that DCF was developing a corrective action plan itself, since it was not satisfied with the efforts taken by Haddam Hills, DCF was also praising those efforts.

An updated corrective action plan was prepared on March 20, 2000. Ex. 1387; Ex. 1388. Coincidentally, this is the same date as Ex. 1389, the cover letter to Haddam Hills indicating that

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<sup>44</sup>This followed a February 4, 2000 corrective action plan review within DCF. Ex. 1362A; Ex. 1362B; Ex. 1362C; Ex. 1362D; Ex. 1362E.

a license was to be granted. Bureau Chief Gary Blau was supportive of Gary Minetti doing the licensing review early. Blau, p. 241. Blau was not aware of any consideration of holding up the license until DCF saw what happened with the corrective action plan. Blau, p. 267.

Q And why not?

A I don't have a good answer for that. I think that that's potentially an area that we could have done somewhat differently.

Blau, p. 267.

Also, March 20, 2000 is the date of a letter from DCF to Haddam Hills Academy indicating that a regular license would be issued, based upon the February 2000 licensing inspection. Ex. 1389. The license was presented to Thomas De Matteo for approval in Gary Minetti's temporary absence. De Matteo declined to sign it and authored a memorandum to that effect. Ex. 1390. De Matteo's view was that the license could wait until Gary Minetti returned and also that it did not make sense to issue a new license.<sup>45</sup> Ex. 1390; De Matteo, pp. 46 - 47.

[G]iven what we had just been through and the concerns we had for the facility, the idea of giving them a license ... didn't make sense. We had all these concerns. I am sure they hadn't fully implemented the corrective action plan, so why give them a regular license two months before they were due to expire? It doesn't make a lot of sense.

I also felt that if anything, we should highlight the concerns we had about the safety of the kids, that we shouldn't be burying it, casting it aside.

I think we needed to focus on the fact that we had legitimate concerns for the safety of those kids.

De Matteo, pp. 46 - 47.

Deputy Commissioners Stacey Gerber and Thomas Gilman met with representatives of Haddam Hills Academy on March 23, 2000 including John Claude Bahrenburg and Guy Germano. This meeting focused primarily on financial issues. Ex. 1391; Ex. 1392. Gerber wanted a meeting with board representatives and discussed that with Ragaglia. Gerber, pp. 118 - 119. Gerber remembers a brief review of reports about a chaotic environment and frustrations with Peter Brown. Gerber, pp. 124 - 125, 128. She does not remember license renewal coming up at the meeting. She does remember Blau expressing frustration with the corrective action plan and Peter Brown's response. Gerber, pp. 127 - 128. Gilman also remembers census and programmatic concerns being raised at this meeting. Gilman, pp. 82 - 87. The meeting was half financial concerns and half quality of care concerns. Gerber, pp. 127 - 128. During a brief discussion among the DCF staff present following the meeting, Gerber expressed annoyance at raising quality of care concerns at the same time that John Claude Bahrenburg was talking about money. Gerber, p. 129.

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<sup>45</sup>The issue of De Matteo declining to sign the license never came to Commissioner Ragaglia's attention. In Ragaglia's view this should have come up through the chain of command "as far as it needed to be taken." Ragaglia, pp. 91 - 93.

Guy Germano followed up with a March 29, 2000 letter indicating that the license will be renewed shortly. The letter also recited that “all have agreed that the Academy has made significant improvements...” and that admissions remain open. Ex. 1393A. Gilman testified that he did not think that all agreed that significant improvements were made. Gilman, p. 89. Gerber also testified that portions of the letter did not comport with her recollection of the meeting. Gerber, p. 130.

A meeting took place with the attorneys for concerned former Haddam Hills employees on March 30, 2000. The attendees at the meeting were the two attorneys for the former employees, Anne George from the Governor’s Office, Gary Blau and Gary Minetti from DCF. Ex. 1395; Blau, pp. 272 - 273. The attorneys were upset by what they considered to be a program that was not treating their youth well and had not treated their clients well. Blau, p. 274. Blau does not recall telling the attorneys that DCF had just decided to renew the Haddam Hills license, but he does remember discussing in great detail about on-site activity, visits and drug screens. Blau, pp. 272 - 273. One of the things that struck Gary Blau about this meeting is that the attorneys spent most of the time trying to impress DCF with the seriousness of the problems at Haddam Hills and the children there being at risk and relatively little time discussing their clients’ specific situations. Blau, pp. 272 - 273. Minetti claims to have no recollection of this meeting. Minetti, p. 351. However Minetti’s notes include the following two references: “Dept. needs to care” and “Has not been dealt with appropriately”. Ex. 1395.

After the attorneys had left, there was no real discussion between Anne George, Blau and Minetti. Blau “may have said something to Ann, sort of in a flippant way, about thanks for getting me in the middle of all of this, something to that effect, but nothing really substance [sic].” Blau, p. 280. The March 30, 2000 meeting did not result in any change in DCF’s approach to Haddam Hills Academy.

... we had felt we were doing a huge amount of follow-up regarding these issues.

I think at that point we had already met with Gary Berte. We had a lot of information that we were using to follow up on it. So I’m not sure that we were looking to do anything different from that particular point in time.

Blau, p. 280.

Q Did you take any additional steps in light of any of the information that was discussed, or just satisfy yourself that what you were doing was adequate and just proceed along the same lines?

A The latter.

Blau, p. 281.

In fact, as noted above, Haddam Hills already understood that a new license would be issued shortly. Ex. 1393A. This meeting clearly did not change that decision.

The renewed regular license was in fact issued. Licensing Director Gary Minetti signed the license, which recites an effective date of May 28, 2000. Ex. 1084.

At the time this license was renewed, Bureau Chief Gary Blau, Licensing Director Gary Minetti and Arnold Trasente also had knowledge of “critical indicators” self-reported to DCF by Haddam Hills Academy. Blau, p. 434; Minetti, p. 389; Trasente, pp. 380 - 381. The critical indicator reports for the few months around this period raised many concerns.<sup>46</sup> Blau noted: “These are disconcerting types of things. Absolutely.” Blau, p. 436. However, Blau does not know whether Minetti considered the Haddam Hills critical indicator reports in the licensing decisions. Blau, p. 437. Minetti in fact utilized them as one component of what he looked at. Minetti, p. 390. Minetti told someone from the Hotline that Haddam Hills got a B in the spring 2000 licensing inspection.<sup>47</sup> English, pp. 42 - 43.

After two years of serious problems at Haddam Hills Academy — without apparent correction — the issuance of a license renewal in early 2000 should not have been done. The fact that the license renewal was actually issued early, while reports of problems at Haddam Hills were still ongoing, is even more troubling.

Q I suppose the question that comes up here, if we go back to your, I think November ‘99 correspondence -- that you testified was effectively a shout [sic] across the bow because of a variety of concerns at Haddam Hills -- is how do we go from major concerns there to meetings with clinicians that are leaving Haddam Hills expressing very significant concerns to renewing their license? There seems to be a disconnect there.

A Okay. I think that one cannot argue with that level of disconnect. And I am not going to argue with it. *I think that looking back perhaps that certain additional vigilance could have been paid.*

I also think that the information that we had received regarding the on-site reviews, the licensing reviews, certainly up through the spring of 2000, allowed the Department to have more confidence that the program issues were improving.

Now, perhaps that judgment was made in error or perhaps that was, you know, a perception that some held versus others. I think that can be true. And I think that the preponderance of evidence of the thinking particularly from the licensing staff at that time was that they were making progress.

Blau, p. 254 (emphasis added).

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<sup>46</sup>The critical indicator report for the period of December 1, 1999 through January 29, 2000 shows the following: 5 student physical injuries, 16 student to student assaults, 7 student to staff assaults, 1 student sexual acting out, 1 student substance abuse, 5 student suicidal gestures or attempts, 2 student AWOL, and 2 student hospitalizations. Ex. 1590A. The critical indicator report for the period of January 1, 2000 through March 31, 2000 shows the following: 2 student physical injuries, 34 student to student assaults, 21 student to staff assaults, 1 student substance abuse, 6 student major property destruction, 10 student suicidal gestures or attempts, 2 student police involvement and 2 student AWOL. Ex. 1591. The critical indicator report for the period of February 1, 2000 through February 29, 2000 shows the following: 10 student to student assaults, 7 student to staff assaults, 3 student suicidal gestures or attempts, and 1 student police involvement. Ex. 1592. The critical indicator report for the period of March 1, 2000 through March 31, 2000 shows the following: 1 student physical injury, 3 student to student assaults, 1 student to staff assault, and 6 student major property destruction. Ex. 1593.

<sup>47</sup>This same Hotline staff person remembers another meeting at Hotline where Minetti said that Haddam Hills got a B on the inspection and that the license would not be revoked. English, p. 52. Minetti acknowledges being of the view that Haddam Hills Academy earned B or B- following the February 2000 licensing inspection. Minetti, p. 103.

Bureau Chief Gary Blau was aware that Haddam Hills was acceptable to some at DCF but not to others, even as Haddam Hills was approaching two years of operation. Blau, p. 255.

I recall that they had a variety of corrective action plans. Some of the people felt they had addressed important issues. Others felt that they needed to continue to frame it out in a more comprehensive way. *And yes, we were still concerned that Haddam Hills was not functioning to a level that they should.*

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I would add that it is clear to me, both it was at the time and in hindsight, that the Department did have a variety of mixed signals, even from itself, in terms of varying groups of people having different feelings about the status of Haddam Hills. And that added to, I think, a level of confusion and questions about what was the right course of action.

Blau, pp. 255 - 256 (emphasis added).

While Bureau Chief Gary Blau recognizes in hindsight that DCF could have done more at the time of license renewal, former Licensing Director Gary Minetti offered an entirely different justification.

We get there because the substance abuse concerns were somewhat mitigated by the fact that on two separate occasions in January random drug screens of all the kids turned up negative across the board, we get there because a random day, full interview of all children on campus, done by a number of different staff indicate a balance between positives and concerns, we get there because I believe, I mean, I don't have, I don't have it in front of me, but the number of substantiations from the Hotline were on the decrease as compared with the first nine months of 1999.<sup>[48]</sup>

Minetti, pp. 325 - 326.

When challenged, Minetti acknowledged that early in February 2000 there were still some relevant Hotline reports. Minetti, p. 326.

A Okay. Hotline was identifying program concerns. It's fair to say they were getting better at documenting what they meant by program concern.

Q So you discounted some of the earlier reports because they weren't well documented?

A No, sir, not at all.

Q What was wrong about Hotline's documentation?

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<sup>48</sup>As noted earlier another reason for fewer Hotline reports is that Haddam Hills Academy was attempting to control its clinicians making reports, contrary to Conn. Gen. Stat. § 17a-101 et seq. This combined with the fact that the clinicians who were making reports were leaving is a much more plausible reason for Hotline reports going down.

A Nothing was wrong about Hotline's documentation and it's helpful that, if our part of the department is going to follow-up on a Hotline concern, it's helpful to have as much detail as possible.

Minetti, p. 329.

Minetti acknowledged that around this time, March 29, 2000, another corrective action plan was submitted. Ex. 1394; Minetti, p. 348. Minetti also acknowledged that at this time DCF was still looking at contraband issues, behavior management issues, physical plant issues, and clinical services, because those are issues that needed to be addressed by Haddam Hills. Minetti, pp. 349 - 350.

(D) DCF SHOULD NOT HAVE RENEWED THE REGULAR LICENSE AT ALL, LET ALONE EARLY.

DCF exercised extremely poor judgment in renewing the regular license for Haddam Hills at all, let alone early. DCF had substantial documentation of very serious problems at Haddam Hills Academy raising deep concerns about the safety of children. This documentation was virtually ignored in the licensing process, notwithstanding several key personnel at DCF urging licensing action.

The events leading up to the renewal of the regular license involved DCF executive staff and senior managers. Commissioner Ragaglia was aware of Haddam Hills concerns due to the Governor's office inquiries with respect to the faxing of an internal DCF e-mail from Long Lane School to Haddam Hills. Deputy Commissioners Stacey Gerber and Thomas Gilman were both involved in internal DCF discussions and discussions with Haddam Hills prior to the issuance of the license. Senior managers such as Bureau Chief Gary Blau had significant involvement. Numerous DCF personnel were involved in compiling and discussing all of this information. Clearly, DCF staff did their job in documenting the concerns. The question which is raised is why these concerns were ignored by DCF management and why a deeply flawed program was allowed to continue with a belief — continually proven to be wrong — that the program was improving. In renewing the Haddam Hills license, DCF again failed to properly protect the children at Haddam Hills Academy.

***6. DCF Gave Mixed Signals To Haddam Hills Academy After the Regular License Was Renewed in 2000.***

Even after the regular license was renewed, DCF continued to give Haddam Hills Academy mixed signals. In addition, during 2000 there appear to have been a number of occasions when DCF executive staff and senior managers discussed issues with Haddam Hills leadership that focused more on financial issues and the number of beds than on the child safety and quality of care concerns that existed at Haddam Hills Academy. In addition, confusion continued about who at DCF should play what role.

A May 9, 2000 meeting at DCF included Gary Minetti, Arnold Trasente, Daniel Panchura and James McPherson. This meeting included a discussion of an upcoming conference call with Haddam Hills Academy. Ex. 1401.

This was followed by a May 15, 2000 meeting at DCF which included Deputy Commissioner Stacey Gerber, Deputy Commissioner Thomas Gilman, Assistant Commissioner Lovie Bourne, Rudy Brooks, Gary Blau, Gary Minetti, and some others. Ex. 1403; Ex. 1404. Gary Minetti indicated that things are better at Haddam Hills, that it has a solid administrative team, and that it is moving in the right direction. Ex. 1404. Financial issues were also discussed. Ex. 1403; Ex. 1404.

There was also a meeting at Haddam Hills Academy on May 15, 2000 which included DCF employees Gary Minetti, Arnold Trasente, Daniel Panchura, James McPherson and Gayle Brooks as well as Haddam Hills Executive Director Peter Brown and the clinical director. Issues discussed included progress at Haddam Hills. Ex. 1405; Ex. 1406. Peter Brown accepted the DCF corrective action plan, which Trasente understood to mean that the plan would be implemented. Ex. 1406; Trasente, p. 325. Some physical plant issues were noted. Ex. 1406.

A conference call was held on May 17, 2000. DCF representatives included Deputy Commissioner Thomas Gilman, Assistant Commissioner Lovie Bourne, Gary Blau and Rudy Brooks.<sup>49</sup> Haddam Hills representatives included John Claude Bahrenburg, Peter Brown and Guy Germano (President of the Haddam Hills Board of Directors). Ex. 1409A.

The meeting began with Gary Blau's summation of Quality Management's review of HHA on 15 May. In summary, "things are better; HHA seems to have a solid administrative team, there is less turnover of direct care staff; the Department is pleased with the progress and believes that HHA is moving in the correct direction."

Ex. 1409A.

Peter Brown also indicated that Haddam Hills had gone over the licensed bed capacity. Brown was told that DCF approval was required to exceed licensed bed capacity. Ex. 1409A. Concerns about physical plant deterioration were discussed. There was also discussion of financial issues. Ex. 1409A. The conference call was primarily about financial issues. Blau, pp. 283 - 284.

One of the outcomes of the conference call was an agreement to gear up to a licensed bed capacity of 60. Ex. 1408; Ex. 1409A. This number would be a substantial increase from the existing licensed bed capacity of 40.<sup>50</sup>

Haddam Hills was very pleased with the meeting. A May 22, 2000 letter to DCF indicated that the meeting "may well serve as stage one of a new beginning for each respective agency." Ex. 1411.

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<sup>49</sup>Memoranda concerning the conference call were provided to Commissioner Kristine Ragaglia and Deputy Commissioner Stacey Gerber. Ex. 1407; Ex. 1409A; Ex. 1409B.

<sup>50</sup>Deputy Commissioner Stacey Gerber was surprised to learn that DCF was gearing up for another increase of beds, given the DCF concerns about Haddam Hills Academy. Gerber discussed this with Gary Blau who informed her that DCF was not looking to do this until being satisfied with the program. Blau agreed with her that it seemed odd that a bed increase was discussed at that time. Gerber, p. 135.

However, during the few months before this meeting, Haddam Hills continued to report critical indicators to DCF that should have raised some concerns.<sup>51</sup> There were also Hotline reports during 2000 that should have raised concerns. Ex. 952.

In June 2000, issues arose again concerning a particular Haddam Hills employee and drug use. A June 14, 2000 DCF e-mail indicates that this Haddam Hills employee self-reported that between 3 and 4 months ago, he had been arrested with marijuana in a facility van shortly after transporting some residents — the employee claimed to have been given a joint while he was at a gas station after dropping the residents off and that he did not have it in his possession while transporting them. Ex. 1415. This employee had previously been subject to concerns with respect to drugs. DCF thought that this issue was behind them. Trasente, p. 326. DCF was properly concerned about this, especially given the prior concerns with the same employee.

Haddam Hills indicated to DCF that the employee would be terminated if he was convicted. Ex. 1415. Daniel Panchura responded to the e-mail as follows:

FYI. Interesting that the issue for HHA is whether there is a conviction, rather than the fact that the staff person had Marijuana in an agency van. Also of interest is the day off argument. Their response is more disturbing than the event.

Ex. 1416.

Panchura also sought guidance from Rudy Brooks as to how to respond to this issue. Ex. 1418. Panchura's concerns were correct. The Haddam Hills employee admitted to having marijuana in an agency van at a point shortly after he had dropped off children. The primary concern of Haddam Hills should have been the risk to the children, and not whether or not the criminal justice system was going to convict the employee. Gary Blau was not happy that the issue of the same Haddam Hills staff member being involved with drugs came up yet again. Blau, pp. 284 - 286. Rudy Brooks had received assurances that this employee either had been or would shortly be terminated. Brooks expressed outrage to Peter Brown since the issues with this employee went back two years.<sup>52</sup> R. Brooks, pp. 273 - 274.

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<sup>51</sup>The critical indicator report for the period of January 1, 2000 through March 31, 2000 shows the following: 2 student physical injuries, 34 student to student assaults, 21 student to staff assaults, 1 student substance abuse, 6 student major property destruction, 10 student suicidal gestures or attempts, 2 student police involvement and 2 student AWOL. Ex. 1591. The critical indicator report for the period of February 1, 2000 through February 29, 2000 shows the following: 10 student to student assaults, 7 student to staff assaults, 3 student suicidal gestures or attempts, and 1 student police involvement. Ex. 1592. The critical indicator report for the period of March 1, 2000 through March 31, 2000 shows the following: 1 student physical injury, 3 student to student assaults, 1 student to staff assault, and 6 student major property destruction. Ex. 1593. The critical indicator report for the period of April 1, 2000 through April 30, 2000 shows the following: 4 student physical injury, 31 student to student assault, 4 student to staff assault, 1 student substance abuse, 1 student suicidal gesture or attempt, and 1 student AWOL. Ex. 1594. The critical indicator report for the period of May 1, 2000 to May 31, 2000 shows the following: 3 student physical injury, 13 student to student assault, 3 student to staff assault, 2 student policy involvement and 7 student AWOL. Ex. 1595. While some of these number were lower than earlier reports DCF should not have lost sight of the fact that incidents were still happening. Also, the variability of the data raised questions of whether the data is valid. Trasente, pp. 388 - 389.

<sup>52</sup>Rudy Brooks was very upset again in April 2001 when he learned that this employee still worked for Haddam Hills Academy at that time. This led Haddam Hills to lose all credibility with Rudy Brooks in 2001. Brooks, pp. 300 - 301.

During the same general time period in which DCF was assuring Haddam Hills that DCF felt that things were moving in the right direction, concerns about drugs arose again. The issue of drugs had been one of the regular concerns during the entire life of Haddam Hills. This is certainly an indicator that things were not in fact moving in the right direction.

There also continued to be confusion at DCF as to who should play what role with respect to the corrective action plan at Haddam Hills Academy. Haddam Hills submitted yet another update to the corrective action plan along with a cover letter dated June 16, 2000 (but date-stamped by DCF June 12, 2000). Ex. 1419A. Gary Minetti wrote a note to Daniel Panchura that they should get together with James McPherson to discuss the plan. Ex. 1419B. Gary Minetti, Arnold Trasente, Daniel Panchura and James McPherson drove together to a meeting to discuss the plan. McPherson said to Minetti that they should talk about who should be the lead or contact person for Peter Brown on the corrective action plan, While Minetti said they should talk about it nothing else was said, there was no further response from Minetti, and the issue of who should be the lead was not resolved until some time in 2001 after Minetti had been reassigned. McPherson, pp. 254 - 257.

Child Advocate Jeanne Milstein wrote Commissioner Ragaglia seeking information about Haddam Hills Academy on July 21, 2000. Ex. 1424A. Gary Minetti responded on July 31, 2000. Ex. 1427.

Commissioner Ragaglia also participated in a meeting on August 14, 2000 which included Gary Berte's attorney, Child Advocate Jeanne Milstein, Deputy Commissioner Stacey Gerber and Gary Minetti. Ex. 1433; Ex. 1434. Berte's attorney sought Ragaglia's assistance in resolving Berte's claims against Haddam Hills Academy. Ragaglia also discussed the matter with John Claude Bahrenburg and recalls that Berte's attorney and Bahrenburg had very different perspectives on the matter. Ragaglia, pp. 96 - 102. Around this time, Ragaglia indicated to Gary Blau that Blau needed to look at the retaliation issues. Ragaglia, p. 102.

On August 22, 2000, following the Child Advocate's review of information provided to her by DCF, Child Advocate Jeanne Milstein again wrote to Commissioner Ragaglia asking that additional youth not be sent to Haddam Hills Academy until the situation is stabilized and posing questions concerning DCF follow through to sexual abuse and drug concerns raised by Hotline during 2000. Ex. 1440. Gary Blau responded on August 28, 2000 and noted, among other things, that admissions were currently open. Ex. 1442.

Following the license renewal in 2000, DCF led Haddam Hills Academy to believe that things were improving, although matters of concern continued to be noted. These included physical injuries, assaults, drug use, suicidal gestures or attempts, substance abuse and AWOLS. Commissioner Kristine Ragaglia, Deputy Commissioner Stacey Gerber and senior managers, including Bureau Chief Gary Blau, continued to be involved in discussions concerning issues at Haddam Hills Academy. Clearly they all had the ability to inquire further and give appropriate direction in order to protect children.

## **E. FINALLY, IN 2001, DCF TOOK APPROPRIATE ACTION TO CLOSE HADDAM HILLS ACADEMY, FOLLOWING EXTENSIVE MEDIA COVERAGE.**

A number of factors in 2001 that ultimately lead to DCF to close Haddam Hills Academy, including further Hotline activity and concern about the ability of Haddam Hills Academy to properly supervise the children in its care. There was also substantial media attention. The year started with more lost opportunities for DCF executive staff and senior managers to focus on the problems at Haddam Hills, but the agency ultimately took decisive action.

### ***1. Early in 2001 DCF Continued to Project Mixed Signals With Respect to Haddam Hills Academy.***

The year 2001 began with renewed attention to Haddam Hills Academy at the highest levels of DCF. While this ultimately set in motion the events that would lead to decisive action to close the facility later in the year, at the beginning of 2001, DCF continued to send mixed signals with respect to Haddam Hills Academy.

In January, Commissioner Ragaglia directed that an investigation finally occur into allegations that Haddam Hills Academy had terminated two employees in retaliation for the employees raising concerns about what was going on at Haddam Hills. Ex. 1455A. As noted in a later section of this report,<sup>53</sup> DCF came to the conclusion that the termination of one of the employees was highly suspicious. Ex. 1481.

Daniel Panchura prepared a chronology of DCF quality management and Hotline activity concerning Haddam Hills Academy for the period from May 26, 1999<sup>54</sup> through January 25, 2001. Ex. 1459A; Panchura, p. 97. Gary Blau provided a copy of this chronology to Deputy Commissioner Stacey Gerber. Ex. 1459B. Gerber received this in April 2001. Gerber, p. 190.

A meeting at DCF on January 23, 2001 included Thomas De Matteo, Arnold Trasente, James McPherson and Daniel Panchura. This meeting discussed Haddam Hills having a new administrator — Vincent Senatore — as well as an upcoming discussion with Haddam Hills concerning the corrective action plan. Ex. 1458. A site visit to Haddam Hills on February 20, 2001 included a discussion of the corrective action plan. Ex. 1460.

The corrective action plan was updated again in March 2001. Ex. 1467. At this time there were still concerns about the staff culture, staff supervision, and staff effectiveness at behavior management. Trasente, pp. 348 - 349. These concerns were the same as those Trasente expressed throughout the life of the facility. Trasente, p. 350.

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<sup>53</sup>A later section of this report discusses in depth DCF's actions concerning a confidential internal DCF e-mail that was faxed to Haddam Hills Academy from a fax machine at Long Lane School. As noted in the later section of this report DCF responded very poorly to the faxing of the e-mail.

<sup>54</sup>This date corresponds to the DCF Hotline report concerning hit squads.

Commissioner Kristine Ragaglia recalls discussing Haddam Hills Academy with Child Advocate Jeanne Milstein in March 2001. Ragaglia told Milstein that, while Haddam Hills Academy still had a few bumps, it had finally evened out. Ragaglia, p. 126.

On March 12, 2001, DCF sent a letter to Haddam Hills Academy signed by Deputy Commissioner Stacey Gerber, Deputy Commissioner Thomas Gilman and Assistant Commissioner Lovie Bourne.<sup>55</sup> Ex. 1477. Having a letter signed by all three was not common. Gerber, pp. 196 - 197. The letter followed up on the Special Review Unit report concluding that Gary Berte's firing was highly suspicious, and also addressed a financial issue. Ex. 1477. The letter set up a meeting with Haddam Hills for March 27, 2001. Ex. 1477.

At the time, DCF had supervision and quality of care concerns. Gerber, pp. 197 - 198. While this occasion would also have been a good time to address DCF's continuing concerns about care at Haddam Hills, the letter does not do so. Gerber does not know why these issues were not addressed in the letter. Gerber, pp. 197 - 198.

On March 26, 2001, Haddam Hills requested DCF to increase the licensed bed capacity to 48. Haddam Hills represented this request as a follow up to the expectations memorialized by DCF on May 18, 2000 (Ex. 1409A). Ex. 1484.

The planned March 27, 2001 meeting was held. The agenda for the meeting noted the DCF concerns as being employee terminations and related party transactions.<sup>56</sup> Ex. 1488A. The quality of care and supervision concerns that DCF had were not included on the agenda.

The meeting on March 27, 2001 included Deputy Commissioner Stacey Gerber, Deputy Commissioner Thomas Gilman, Assistant Commissioner Lovie Bourne, and Gary Blau for DCF. John Claude Bahrenburg, Guy Germano and Vincent Senatore attended for Haddam Hills Academy. Ex. 1489. Gerber recalls discussion of related party transactions as well as concerns with Peter Brown and the Gary Berte dismissal. Gerber, p. 202. Gilman recalls that at this meeting, Bahrenburg and the Haddam Hills group acknowledged that Haddam Hills may have had some responsibility for the Gary Berte situation. Gilman, p. 134. According to Gerber and Gilman, the status of the corrective action plan, concerns about supervision, availability of drugs on campus and programmatic concerns were not discussed. Gerber, p. 203; Gilman, p. 137. However, Blau has a recollection of drug issues being discussed, and Haddam Hills taking issue with the test results. Blau, p. 376. At the time of the meeting, Blau thought that the drug issue was very serious.

Because I feel at this point, we have a very serious issue about and although I am trying to carefully chose my words, the word "rampant" comes to my head. And the idea of sort of a large percentage, in essence, of their population testing positive for drugs and that is a big problem in terms of them not knowing about it. Why weren't these screens conducted when they came back? Why was it that they

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<sup>55</sup>Deputy Commissioner Stacey Gerber's signature on this letter was actually signed for her by Commissioner Ragaglia. Gerber, pp. 209 - 210; Ragaglia, p. 124.

<sup>56</sup> Another concern raised with respect to Haddam Hills Academy was the allegation that the rate that DCF was paying Haddam Hills Academy for providing services to youth was inflated as a result of the interrelationship between Haddam Hills Academy and other entities that it was related to.

were not acting on these kinds of things themselves? That is what, in my estimation, we were paying them to do.

Blau, p. 376.

Following the March 27, 2001 meeting, DCF continued to take action addressing its concerns. The corrective action plan was updated on April 2, 2001. Ex. 1494. Haddam Hills updated it again on April 5, 2001. Ex. 1503.

Action was taken on the pending application to increase the licensed bed capacity. James McPherson recommended against the application and expressed concerns about Haddam Hills not having demonstrated the capability to educate 48 children, the large number of staff vacancies which raised questions as to the ability of Haddam Hills to ensure the safety of 48 children, as well as Haddam Hills having already exceeded its licensed bed capacity by 7 children. Ex. 1497. Thomas De Matteo denied the application on April 10, 2001, concluding that 14 child care worker vacancies, 2 shift supervisor vacancies and 6 summer coverage vacancies prevented Haddam Hills from ensuring the safety of 48 children and noting the absence of approval from the Department of Education to educate 48 children. Ex. 1504. On April 26, 2001, De Matteo also sent Haddam Hills a letter demanding that the census be reduced to the licensed bed capacity. Ex. 1520.

Bureau Chief Gary Blau was asked about the reasons for DCF's activity at this time, including the actions as documented in an updated chronology (Ex. 1514). Blau responded:

I think maybe at that point it was still a little unclear. The questions were these are huge problems and the end may be a licensing action. And at the same time, let's try to understand if there is anything in a final last gasp in terms of remediation that could be done. So I look at it almost as a concurrent planning activity.

Blau, p. 383.

Clearly, DCF continued to have concerns about Haddam Hills Academy during the early part of 2001 but did not take action to directly address those concerns or to protect the children entrusted to Haddam Hills. However, those concerns were not discussed with Haddam Hills Academy during meetings which included Deputy Commissioners Gerber and Gilman.

## ***2. Commissioner Ragaglia Finally Acts at the End of April 2001, Following Extensive Media Coverage.***

At the beginning of April 2001, there was extensive media coverage of child care issues at Haddam Hills Academy. This included news and editorial coverage in THE HARTFORD COURANT on April 2, 4, 6, 7, 10 and 18, 2001.

Finally, at the end of April 2001, Commissioner Ragaglia called together a large internal meeting at DCF. This meeting was a direct result of Hotline Director Kenneth Mysogland

discussing with his Bureau Chief, June Wiehn, his concerns about Haddam Hills Academy.<sup>57</sup> Mysogland testified:

I was very concerned that it appeared our department was presenting this facility in such a positive way when yet I knew my staff and I still felt this place was no good and it was the same situation just a different day over there.

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I didn't, as a professional, feel comfortable knowing my commissioner was out and our department was out representing something that I vehemently disagreed with.

\* \* \*

I said to [Wiehn], I don't think Commissioner Ragaglia knows all the information we have. My staff is concerned. I want you to get us in front of her to express to her directly what our concerns were.

Mysogland, p. 84.

Wiehn responded by setting up the meeting. Mysogland, p. 84.

[Mysogland] called me and said that he felt that he had done all that he could do to bring it to the attention of the proper people. He felt that it was really an awful place. That it should be closed down. And he felt that the Commissioner didn't have that information. And he felt that she should have it.

Wiehn, p. 64.

Mysogland believed that Gary Blau and Gary Minetti were dismissing a lot of his concerns, not telling the commissioner, or phrasing concerns in a way that would keep her from becoming alarmed. Wiehn, pp. 67 - 68. The result of Wiehn's discussions with Mysogland is that Wiehn discussed Mysogland's concerns with Commissioner Ragaglia in a brief private discussion and Ragaglia said that a meeting should be called right away if the matter was that serious. Wiehn, pp. 65, 68 - 69. Ragaglia confirmed this:

[The meeting] came about because June [Wiehn] insisted upon meeting with me one day and indicated that it was very important. And basically what she said to me is, "You are not getting the full story on Haddam Hills."

I said, "What do you mean?"

And she said, "Ken Mysogland has a lot of information about this program. It is not operating well, the kids are not safe, and you need to talk to him."

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<sup>57</sup>Interestingly, Deputy Commissioner Thomas Gilman, who supervises June Wiehn, indicated that he would be surprised if this meeting resulted from Mysogland talking to Wiehn about how bad things were, with Mysogland not able to get the attention of quality assurance. Gilman, p. 150.

... it was clear to me that she believed that I was making decisions about publicly supporting this program when it was inappropriate to do so, and there was certainly a sense of urgency around that issue.

Ragaglia, pp. 130 - 131.

Ragaglia decided to bring everyone at DCF together. Ragaglia, p. 134. Shortly before the April 26, 2001 meeting, Daniel Panchura updated his chronology to include quality management and Hotline activity for the period of time from May 26, 1999 through April 25, 2001. Ex. 1514.

The DCF meeting on April 26, 2001 was attended by all of the key DCF personnel involved in Haddam Hills Academy, including Commissioner Kristine Ragaglia, Deputy Commissioner Stacey Gerber, Deputy Commissioner Thomas Gilman, Assistant Commissioner Lovie Bourne, Bureau Chief Gary Blau, Bureau Chief Rudy Brooks, Bureau Chief June Wiehn, Thomas De Matteo, Arnold Trasente, Daniel Panchura, Kenneth Mysogland along with other Hotline personnel, as well as others. Ex. 1516. This meeting included an extensive discussion of the entire background of Haddam Hills. *E.g.*: Ex. 1517; Ex. 1519.

The consensus at the meeting was to do an intensive review of Haddam Hills as quickly as possible.

... basically the outcome was to -- since the drug issue had been a recurring issue and the culture of how the staff were managing the kids was a recurring issue, the decision was coming out of this meeting to conduct kind of an unannounced, quote SWAT site visit to assess was there substances being used by the kids and what their experiences were within the program specific to a whole range of activities by the staff. So the decision was that we will get the information and that will help determine follow-up steps with this program.

Trasente, p. 365.

There was a smaller meeting at DCF on April 26, 2001, following the meeting with Commissioner Ragaglia, to develop the plan for the intensive review of Haddam Hills. The follow up meeting addressed the planning details for the intensive review. Trasente, p. 368; Ex. 1518. The outline for an intensive program evaluation was in place by April 27, 2001. Ex. 1521. The site visits took place on May 1 and 2, 2001.

DCF's intensive review raised substantial concerns about Haddam Hills Academy.

At the meeting where we started getting information about the program, it became apparent that there were a number of kids who tested positive for drugs at the program. There were concerns about interaction between staff and the kids I think in terms of restraints and just how do you -- de-escalation issues ... basic interaction and the quality of that interaction between staff and the kids. As I recall, there were a series of pieces of information that led me to believe that the program was not the kind of program that we wanted to continue with.

Ragaglia, p. 134.

Gary Blau sent a letter to Haddam Hills Academy on May 3, 2001 indicating an intent to phase out the program at Haddam Hills Academy and to begin proceedings to revoke the license. The findings in the letter included youth testing positive for marijuana, significant concerns regarding supervision of residents and numerous instances of possible child abuse or neglect by staff. Ex. 1524A.

A draft notice of revocation was ready on May 14, 2001. Ex. 1535. The actual notice of revocation was sent to Haddam Hills Academy on June 15, 2001. Ex. 1560. DCF waited until the last child at Haddam Hills was placed elsewhere before issuing the formal notice of revocation. Blau, pp. 431 - 432.

Haddam Hills Academy requested a hearing on the revocation of the license on June 27, 2001. Ex. 1565. The licensing hearing was resolved on March 14, 2002, after the hearing commenced, through a stipulation on the record of Haddam Hills withdrawing its request for a hearing, DCF withdrawing the notice of revocation, and Haddam Hills Academy surrendering its license. Ex. 1697.

## **F. SUMMARY.**

In summary, several points are noteworthy from a review of DCF interaction with Haddam Hills Academy. First, Haddam Hills Academy should not have been allowed to open. It should not have been allowed to operate for three years before DCF finally shut it down. While Commissioner Ragaglia explained to the General Assembly that Haddam Hills Academy was a successful example of the quality management system at DCF, just the opposite was true. DCF's quality management system utterly failed to protect children at Haddam Hills Academy. Most striking is the complete failure of DCF management to properly deal with well documented, severe problems at Haddam Hills Academy during the entire life of the facility.

When it opened with a provisional license at the end of May 1998, Haddam Hills Academy was not at a point where it could achieve compliance with the licensing requirements *with minimal efforts*, nor was Haddam Hills Academy in compliance during any of the sixty day extensions of the provisional license. Haddam Hills should not have been granted a regular license in 1999 after a year of provisional licenses, since it was not in compliance with DCF regulations. The stipulated conditions in the initial regular license should not have been dropped a few short weeks later. Nor should Haddam Hills Academy have had its regular license renewed in 2000 since it was still not in compliance with DCF regulations. There was more than ample information at DCF to justify a license revocation proceeding well before DCF finally commenced one in June 2001.

DCF had very substantial information of what the problems were. With one notable exception, DCF staff were good at documenting their observations concerning Haddam Hills Academy.<sup>58</sup> While some of the staff may not have had a clear sense of what their roles were,<sup>59</sup> it

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<sup>58</sup>The notable exception is Lovie Bourne, now Assistant Commissioner. While she was a transitional manager at DCF she was at Haddam Hills often, to check on whether or not there was anything out of the ordinary. Virtually no documentation exists of her visits. Notwithstanding her efforts to spend a lot of time with children, she simply did not talk to them about the types of things that would have led to understanding what the problems at Haddam Hills were.

is clear that numerous staff members, specifically including James McPherson, Arnold Trasente, Daniel Panchura and the Hotline staff, were diligent in documenting their observations. Juvenile parole officers were also diligent in raising their own concerns with their supervisors.<sup>60</sup> Nothing in this report should be taken as criticizing the hard work of a number of very dedicated and committed DCF employees.

The real problem was a combination of DCF executive staff and management failing to give appropriate guidance and direction to staff as well as making very poor choices based upon the available information. In fact, the only managers who appeared to have exercised good judgment in connection with Haddam Hills Academy matters were Kenneth Mysogland and Thomas De Matteo.

Hotline Director Kenneth Mysogland clearly empowered and supported his staff in moving forward to appropriately document very serious concerns. Mysogland very strongly advocated that DCF take appropriate action. Unfortunately his strong advocacy was not heeded earlier than the Spring of 2001, when Mysogland, insisted that the Commissioner set up a meeting to fully discuss his concerns. Also, at several critical stages Thomas De Matteo counseled that DCF had sufficient basis to proceed towards license revocation or to limit licenses, but his advice was not taken.

Managers in the quality management chain of command did not fulfill their responsibilities in connection with Haddam Hills. At best, Licensing Director Gary Minetti repeatedly discounted much of the information raising concerns about Haddam Hills. Under Minetti's leadership, DCF was in a cycle of providing assistance, commenting on update after update of a corrective action plan, and trying to move Haddam Hills to the next step since he felt that the Executive Director at Haddam Hills "deserved a chance" to turn the facility around — all to the detriment of the children there. Bureau Chief Gary Blau played a very passive role in overseeing Minetti and deferring to Minetti's judgment. Yet, Blau himself had very substantial knowledge of all of the problems at Haddam Hills, participating in meetings with Haddam Hills, keeping his superiors at DCF informed about what was going on, and even writing and talking to people at Haddam Hills directly about his concerns. Blau knew what was going on and actively participated in the process at DCF. At the very least, as Minetti's superior Blau should have managed properly through giving appropriate guidance and direction, following through to see that his guidance and direction were heeded, and should have taken steps to ensure that DCF truly protected the children at Haddam Hills.

The Bureau of Juvenile Justice also did poorly. For much of the existence of Haddam Hills, it was actually the Bureau of Juvenile Justice that was taking the lead at DCF. Throughout the existence of Haddam Hills there were juvenile parole officers who had raised substantial concerns. However, Bureau Chief Rudy Brooks acknowledges that he was biased in favor of helping the program succeed. R. Brooks, pp. 217 - 220.

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<sup>59</sup>A later section of this report discusses confusion in the roles played by various units at DCF with respect to Haddam Hills Academy. Of course, the responsibility for such confusion belongs with management who failed to provide appropriate direction, and not with the employees who tried to perform their jobs as best as they could.

<sup>60</sup>The concerns of the juvenile parole officers is largely anecdotal information derived from their testimony since DCF does not have any regular system in place to aggregate the information resulting from their observations. This is also discussed in a subsequent section of this report.

Finally, the DCF executive staff also bears responsibility. Commissioner Ragaglia as well as both Deputy Commissioners were informed of the problems during the first week of Haddam Hills' operation.<sup>61</sup> Deputy Commissioners Stacey Gerber and Thomas Gilman participated in a number of discussions concerning Haddam Hills in 1999 and 2000. Issues were also brought to Commissioner Ragaglia's attention both through inquiries from the Governor's office and information brought to her attention by DCF staff. They could and should have inquired as to how things were going at Haddam Hills Academy. Upon learning that there were substantial concerns they could and should have asked critical questions, given appropriate guidance and direction to ensure that the children at Haddam Hills Academy were safe. They also failed to protect the children at Haddam Hills.

### **III. DCF FAILED TO TAKE TIMELY OR APPROPRIATE ACTION TO INVESTIGATE A CONFIDENTIAL INTERNAL E-MAIL THAT WAS FAXED FROM LONG LANE SCHOOL TO HADDAM HILLS ACADEMY.**

As noted in an earlier section of this report, a confidential internal DCF e-mail, Ex. 1572, was faxed from Long Lane School to Haddam Hills Academy. The earlier section of this report discusses the substantive information contained in the e-mail. However, the issue of what steps DCF took to investigate the faxing of the e-mail is equally important. The e-mail itself contained negative information about Haddam Hills Academy and identified the particular employee of Haddam Hills who provided the information. That employee was terminated by Haddam Hills shortly after the e-mail was faxed to Haddam Hills.

The universal view within DCF was that the faxing of the e-mail from Long Lane School was wrong and that the employee who faxed the e-mail should have been subject to disciplinary action. *E.g.*: Gerber, pp. 182 - 184. Commissioner Ragaglia reported to the General Assembly's Select Committee on Children that:

[W]e were not able to identify the person who would have shared that information, who did share that information with Haddam Hills.... We took every effort that we could to figure out who shared that information. If we had been able to identify them, they would have been disciplined.

Ragaglia comments, Select Committee on Children (videotape, May 15, 2001).

However, as explained below, it is clear that DCF utterly failed to take timely or appropriate steps to investigate the faxing of the e-mail. When the faxing of the e-mail was belatedly investigated over a year after it had been sent, DCF suppressed information regarding suspicion that a particular employee had sent the e-mail to Haddam Hills Academy.

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<sup>61</sup>While neither Commissioner Ragaglia nor Deputy Commissioner Gerber recall receiving Ex. 1324 they both recall receiving and reviewing "the charts" during the time that Ex. 1324 was circulated.

***1. The Faxing of an Internal DCF E-Mail to Haddam Hills Academy Was Known By DCF Staff Shortly After it Had Been Faxed.***

On November 10, 1999, a staff member at the DCF Hotline sent an e-mail to Hotline Director Kenneth Mysogland and to Daniel Panchura, who was then working for the Quality Assurance Division of DCF. This e-mail raised a number of significant issues concerning Haddam Hills Academy. Ex. 1280. Dan Panchura incorporated the information that he received from the DCF staff person in an e-mail that Panchura sent to many DCF quality assurance and juvenile justice personnel which reiterated the concerns and noted that Gary Berte,<sup>62</sup> a clinician at Haddam Hills, was a major contact. Ex. 1281A; Ex. 1281B; Ex. 1281C.

On November 16, 1999, Daniel Panchura's e-mail was faxed to Haddam Hills Academy. Panchura learned this on December 1, 1999 from Gary Berte. Panchura, pp. 72 - 73; Ex. 1302A. A copy of the e-mail that was faxed to Haddam Hills bears a telephone number which corresponds to a fax machine at Long Lane School. Ex. 1572. That particular fax machine is right outside of the office used by Long Lane School Superintendent John LaChapelle. LaChapelle, p. 105.

Gary Berte was terminated from his position at Haddam Hills Academy shortly after this e-mail was faxed. DCF recognized that it was extremely important to investigate the firing of a Haddam Hills employee shortly after the faxing of an internal DCF e-mail naming him as a source of allegations concerning the quality of care at Haddam Hills. Blau, p. 277.

Dan Panchura informed Gary Minetti and Arnold Trasente about the faxing of the e-mail. "I told them that we have a major problem. Someone has leaked information that could cost a person their job...." Panchura, p. 73. Minetti was already aware of the faxing of the e-mail and indicated to Panchura that he was going to let administration know. Panchura, p. 75. Panchura was not contacted by anyone at DCF investigating the faxing of the e-mail, until the Special Review Unit investigation discussed below. Panchura, p. 82.

Clearly knowledge of the faxing of the e-mail to Haddam Hills Academy came to the attention of key managers at DCF very quickly. This specifically included Commissioner Ragaglia.

Blau learned about the e-mail being faxed (Ex. 1572) not very long after it happened. Blau, p. 188. Arnold Trasente remembers Blau indicating that there would be some internal review concerning the faxing of the e-mail. Trasente, pp. 273 - 274. However, Blau gave the e-mail to Rudy Brooks and spoke to Brooks about it. Blau recalls that Rudy Brooks was following up on it, that it was also disconcerting to Brooks, that Brooks would take it from there and run with it. Blau, pp. 188 - 190.

DCF Commissioner Kristine Ragaglia was aware of the e-mail being faxed to Haddam Hills Academy no later than December 2, 1999 when DCF received an inquiry from the

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<sup>62</sup>While we ordinarily would not identify the name of a mandatory reporter to DCF in a report, to preserve the confidentiality of the mandatory reporter, the name of Gary Berte, referred to in this and related e-mails, has long since entered the public domain. It has also been reported publicly in a DCF report concerning Gary Berte's termination by Haddam Hills Academy. Ex. 1481.

Governor's Office. Ex. 1302A. DCF Licensing Director Gary Minetti sent a memorandum to Commissioner Ragaglia on December 2, 1999 addressing the concerns raised by the Governor's Office. Ex. 1302A. Another copy of this memorandum contains Ragaglia's handwritten note that she wanted to see Gary Blau about this that same day. Ex. 1302B. Deputy Commissioner Stacey Gerber was not aware of the faxed e-mail until early 2000 and was not aware of the inquiry from the Governor's Office. Gerber, p. 88. No one told Gerber about this when she returned from maternity leave.<sup>63</sup> Ragaglia discussed the information in Ex. 1302A with the Governor's Office. Ragaglia, p. 78.

## ***2. The Universal View Within DCF Was That the Employee Who Sent the E-Mail Should Be Subject To Disciplinary Action.***

Commissioner Ragaglia believed that the DCF employee who sent the e-mail to Haddam Hills Academy should be disciplined. Ragaglia comments, Select Committee on Children (videotape, May 15, 2001). The universal view at DCF was that this e-mail (Ex. 1572) should never have been faxed to Haddam Hills Academy. *E.g.*: Ragaglia, p. 81; Gilman, p. 58; R. Brooks, pp. 183 - 184. Some type of disciplinary action was warranted for the DCF employee who faxed the e-mail. R. Brooks, pp. 205 - 206. In fact, not one of the DCF personnel examined in the course of this investigation expressed a contrary view.

With the highest levels of DCF knowing about the inappropriate faxing of a confidential internal DCF e-mail to Haddam Hills Academy followed shortly by the termination of one of the major sources of information and the universal belief at DCF that the employee who faxed the e-mail should be disciplined, one would have expected a prompt investigation. That was not to be the case.

## ***3. The Faxing of the E-Mail Was Not Investigated In a Timely Fashion.***

No one in DCF took timely action to investigate the faxing of the internal DCF e-mail. Discussion among senior managers did not produce a timely investigation. Not even inquiries from the Governor's Office brought about a timely investigation.

Commissioner Kristine Ragaglia considered whether or not there was sufficient information for any kind of internal personnel activity when she discussed Ex. 1302A, dated December 2, 1999, with the Governor's Office. Ragaglia, p. 78.

I had looked at the information, and based on the document that it looked like it would be extremely difficult to identify who had actually shared this information. I don't believe I did anything with it in terms of a personnel investigation....

Ragaglia, p. 79.

Ragaglia indicated that since her understanding was that the fax machine was in a location where a number of people could have access to it she did not pursue anything else at the

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<sup>63</sup>Gerber was on maternity leave from September 1999 through December 1999. Gerber, p. 17. Although working part time at the end of December 1999 Gerber did not fully return until January 4 or 5, 2000. Gerber, p. 90. During the time that Gerber was on maternity leave, Bureau Chief Gary Blau reported directly to Commissioner Ragaglia. Gerber, pp. 18 - 20; Ragaglia, p. 12.

time. Ragaglia, pp. 80 - 81. During her testimony we asked whether steps were taken such as attempting to identify who at DCF actually had the e-mail prior to it being faxed, compare that against attendance records or other logs and cross-check that against the memories of people that worked in proximity to the fax machine to narrow the universe of suspects. Ragaglia indicated that she was not aware of any such steps being taken. Ragaglia, p. 81. In December 1999, just a few weeks after the e-mail had been faxed, such steps may have produced valuable information.

Bureau Chief Gary Blau was not aware that anyone actually followed up on the concern that the e-mail was faxed to Haddam Hills Academy until a Special Review Unit investigation in 2001.<sup>64</sup> Blau, p. 191. Blau viewed the issue as a Juvenile Justice issue since the e-mail was faxed from a Long Lane fax machine, could not imagine his staff faxing it, and felt that if anyone from Quality Management was at Long Lane at the time the e-mail was faxed they would have been noticed and someone would have said something about it. Blau, pp. 196 - 201. Blau assumed that Rudy Brooks would follow through. Blau, pp. 201 - 202.

Bureau Chief Rudy Brooks thinks that he directed Long Lane Superintendent John LaChapelle to find out who faxed the e-mail. R. Brooks, p. 198. According to Rudy Brooks, the extent of this inquiry was Brooks asking LaChapelle to inquire of the Long Lane School Assistant Superintendents. Brooks recalls LaChapelle reporting back to him indicating that John Watts said that he may have sent the e-mail. Brooks recalls confronting Watts who denied sending the e-mail. Brooks did not take any further steps to look into this matter, nor did he refer it to any other part of DCF for investigation. R. Brooks, pp. 207 - 208. However, LaChapelle does not recall ever being contacted with respect to an inquiry nor does he recall asking anyone who faxed the e-mail. LaChapelle, pp. 104, 106. LaChapelle recalls Rudy Brooks raising the issue of the e-mail being faxed at a Juvenile Justice meeting and indicating there was going to be an investigation. LaChapelle, pp. 102 - 103.

Brooks was not aware of anyone at DCF trying to find out who at DCF actually had the e-mail at the time that it was faxed, and was not aware of anyone checking attendance records or log books to ascertain who was present at Long Lane School when the e-mail was faxed.<sup>65</sup> It did not occur to Brooks at the time that such inquiries should have been made, nor did he talk to anyone at central office about the need for an investigation. R. Brooks, pp. 200 - 202. Brooks recognizes in hindsight that this should have been investigated, and that he should have alerted someone to do the investigation but did not. R. Brooks, pp. 203 - 205.

Deputy Commissioner Thomas Gilman would have expected his chain of command to inform him of the faxing of Ex. 1572 through Rudy Brooks. Gilman, pp. 59 - 60. Gilman believes that Rudy Brooks looked into the matter, although he is not sure of the time frame. Gilman, pp. 61 - 63. Gilman was not aware of any investigation into the faxing of the e-mail other than the later personnel investigation. Gilman, p. 64. In Gilman's view the investigation

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<sup>64</sup>However, there is evidence that it was Gary Blau who made the decision not to have the Special Review Unit do an investigation into this matter in February 2000, believing that the unit was down staff and too busy. Faraci, p. 36. The Special Review Unit investigation is discussed below.

<sup>65</sup>These would have been the most critical inquiries to make in order to identify a pool of suspects. These are the types of inquiries that really would have had to be done very quickly in order to get accurate information before memories began to fade.

should have been a personnel investigation and whoever knew about the e-mail, whether Rudy Brooks, Gary Blau or Gary Minetti, should have notified personnel. Gilman, p. 65.

The Governor's Office contacted DCF about this issue on December 2, 1999. Ex. 1302A. The inquiry from the Governor's Office asks whether the investigation was still ongoing and how the e-mail got to Peter Brown at Haddam Hills. DCF Licensing Director Gary Minetti sent a memorandum to Commissioner Ragaglia on December 2, 1999 addressing the concerns raised by the Governor's Office. Ex. 1302A. Another copy of this memorandum contains Ragaglia's handwritten note that she wanted to see Gary Blau about this that same day. Ex. 1302B.

At the time of Ex. 1302A, Minetti was not aware of anyone at DCF investigating the faxing of the e-mail to Haddam Hills. Minetti recalls talking to Hotline Director Kenneth Mysogland and Mysogland saying that he wanted to delve into that issue. Minetti, pp. 188 - 189. Mysogland was under the impression that Rudy Brooks was going to look into this issue. Mysogland, pp. 197 - 198. When this was discussed with Gary Berte's attorney around the time of the January 2000 meetings with Haddam Hills clinicians, Mysogland had assured the attorney that this issue would be looked into. Mysogland, pp. 197 - 198. However, subsequent discussions with Gary Minetti and Juvenile Justice led to the view that Mysogland was not the right person to look into it but that Rudy Brooks and someone in the Juvenile Justice chain of command would. Mysogland, pp. 197 - 198. Mysogland spoke with Rudy Brooks about this and was told that someone in Juvenile Justice would look at it. Mysogland, p. 199.

[I]t was pretty clear to me that since -- at the time the Department knew the E-mail was faxed to the time Attorney Rinney [sic] was pushing to find out who had faxed it, the Department did very little, if anything, to actually find out who the person responsible for faxing it was. So my conversation with Rudy I really got the sense that nobody followed up, but now somebody was because Attorney Rinney was pushing for it.

Mysogland, p. 200.

On January 12, 2000, Anne George from the Governor's Office sent an e-mail to Gary Blau concerning another complaint the Governor's Office received related to attorneys who had clients who worked at Haddam Hills and claimed to have been threatened for giving information to DCF. Among other things, the e-mail noted the attorneys' claim that "this could be a public relations problem for DCF once the cases become public." Ex. 1329. The e-mail recites that "Rose" — Commissioner Ragaglia's secretary at the time — referred Anne George to Gary Blau as the point person. Ex. 1329. Bureau Chief Gary Blau played a more direct role in this matter in light of the inquiry by the Governor's Office. Blau, p. 209. However, Blau did not bring Ex. 1329 to the attention of Deputy Commissioner Stacey Gerber, Blau's supervisor. Gerber was not aware of Ex. 1329 until the week prior to her April 2002 testimony in connection with this investigation. Gerber, pp. 93 - 94.

A meeting took place with the attorneys for the concerned former Haddam Hills employees on March 30, 2000. The attendees at the meeting were the two attorneys for the former employees, Anne George from the Governor's Office, Gary Blau and Gary Minetti from DCF. Ex. 1395; Blau, pp. 272 - 273. Deputy Commissioner Stacey Gerber was not aware of this meeting. Gerber, p. 132. The attorneys were upset by what they considered to be a program that

was not treating their youth well and had not treated their clients well.<sup>66</sup> Blau, p. 274. One of the things that struck Gary Blau about this meeting was that the attorneys spent most of the time trying to impress DCF with the seriousness of the problems at Haddam Hills and the children there being at risk and relatively little time discussing their clients' specific situations. Blau, pp. 272 - 273. Minetti claims to have no recollection of this meeting. Minetti, p. 351. However Minetti's notes include the following two references: "Dept. needs to care" and "Has not been dealt with appropriately". Ex. 1395.

After the attorneys left, there was no real discussion among Anne George, Blau and Minetti. Blau "may have said something to Ann, sort of in a flippant way, about thanks for getting me in the middle of all of this, something to that effect, but nothing really substance [sic]." Blau, p. 280. The March 30, 2000 meeting did not result in any change in DCF's approach to Haddam Hills Academy.

... we had felt we were doing a huge amount of follow-up regarding these issues.

I think at that point we had already met with Gary Berte. We had a lot of information that we were using to follow up on it. So I'm not sure that we were looking to do anything different from that particular point in time.

Blau, p. 280.

Q Did you take any additional steps in light of any of the information that was discussed, or just satisfy yourself that what you were doing was adequate and just proceed along the same lines?

A The latter.

Blau, p. 281.

Blau has a vague recollection that the e-mail issue was brought up. Blau, p. 275. Gary Minetti's notes contain a reference to "e-mail follow up". Ex. 1395. However, this meeting did not result in any DCF investigation into the faxing of the e-mail from Long Lane School to Haddam Hills Academy. Blau does not remember checking on the status of any inquiries into the faxing of the e-mail following this meeting. Blau, p. 281.

From the faxing of Ex. 1572 to Haddam Hills Academy at the end of 1999 through the above mentioned meeting on March 30, 2000, the issue of the e-mail had been discussed among DCF personnel including the following: Commissioner Ragaglia, Bureau Chief Gary Blau, Bureau Chief Rudy Brooks, Licensing Director Gary Minetti and Hotline Director Kenneth Mysogland. There were also specific inquiries to DCF about the issue from the Governor's office. Notwithstanding all this attention there was absolutely no investigation until nearly a year later during the early part of 2001.

Without question DCF failed to take timely and appropriate action to investigate the faxing of the e-mail. Through failing to take any meaningful action about this in a timely manner DCF lost the best opportunity to identify who sent the e-mail.

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<sup>66</sup>Blau does not recall telling the attorneys that DCF had just decided to renew the Haddam Hills license, but he does remember discussing in great detail about on-site activity, visits and drug screens. Blau, pp. 272 - 273.

**4. DCF Investigations in 2001 Also Failed To Adequately Address the Faxing of the E-Mail to Haddam Hills Academy.**

Finally, in 2001, DCF conducted an investigation concerning the aftermath of the faxing of the internal DCF e-mail to Haddam Hills Academy. Commissioner Kristine Ragaglia described the investigation as involving two former Haddam Hills Academy employees:

I had them go out and do a fact-finding investigation, and it was on two employees, not just one. On one of the employees we couldn't find any kind of significant information ... but in Dr. Berte's case we did.

Ragaglia comments, Select Committee on Children (videotape, May 15, 2001).

DCF concluded that the termination of Gary Berte by Haddam Hills Academy shortly after the e-mail was faxed was highly suspicious. Information that DCF gathered concerning which DCF employee was suspected of faxing the e-mail was not included in the final report and not sufficiently explored. In addition, since DCF did not perform a sufficient investigation with respect to the concerns of the second employee DCF should not have reached the conclusion that it could not find significant information concerning the second employee. Finally, it appears that although the DCF staff who were conducting the investigation tried to conduct an in depth examination of everything that happened, their superiors — especially Bureau Chief Gary Blau — narrowed the scope of their report.

(A) DCF FINALLY BEGAN AN INVESTIGATION IN JANUARY 2001.

On January 17, 2001, Commissioner Ragaglia issued a memorandum directing Bureau Chief Gary Blau to assign a high priority to an investigation by the Special Review Unit<sup>67</sup> concerning allegations of retaliation raised by two former Haddam Hills Academy employees. Ex. 1455A. Ragaglia's memorandum recites: "I understand that other activities of the SRU required us to defer this investigation..." Ex. 1455A. Ragaglia wanted the investigation moved to the front of the list for the Special Review Unit. Ragaglia, p. 108.

The Special Review Unit was a two person unit which operated for at least 14 months with only one person. According to DCF, the investigation into who faxed the e-mail did not get a priority in light of the normal role of this unit in reviewing serious injuries and fatalities. Blau, pp. 305 - 306. Bureau Chief Gary Blau testified that until the memorandum from Commissioner Ragaglia was sent, Blau assumed that whatever review took place was whatever Rudy Brooks had done. Blau, pp. 309 - 310. However, Brian Faraci, a unit employee, recalls Gary Blau telling him in February 2000 that someone in the Commissioner's office had wanted the unit to do this investigation,<sup>68</sup> but that Blau nixed the idea since the unit was down staff and Blau felt that the unit was too busy.<sup>69</sup> Faraci, p. 36.

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<sup>67</sup>The Special Review Unit ordinarily does investigations of fatalities of children.

<sup>68</sup>Faraci recalls attending a meeting in January 2000 attended by Licensing Director Gary Minetti which included some brief discussions about the whistleblower issues, although the real subject matter of the meeting was planning a large visit to Haddam Hills Academy. Faraci, pp. 27 - 28.

<sup>69</sup>With DCF management having recognized the need to do this investigation it should have assigned the responsibility somewhere else upon determining that the Special Review Unit was really too busy to take on this assignment in addition to its ordinary responsibilities.

DCF recognized that it had a stake in seeing to it that the concern of a Haddam Hills employee (Gary Berte) allegedly being fired shortly after the faxing of an internal DCF e-mail was appropriately investigated. Blau, p. 277. Similarly, if a facility employee (Bonnie Brower) was allegedly fired for raising concerns, DCF would be concerned about the operation of the facility. Blau, pp. 278 - 279.

The Special Review Unit was under Bureau Chief Gary Blau's direct supervision. Blau played an active role in this investigation. Blau, p. 316. Blau apprised key staff of this investigation on January 17, 2001. Ex. 1457. The personnel involved in conducting the investigation were Social Work Supervisors Brian Faraci and Bethany Occhialini. Faraci and Occhialini conducted many interviews in the course of their investigation. First, they gathered documents and then they decided whom to interview. Faraci, p. 117. The course of their investigation is described in Ex. 1465<sup>70</sup> which contains a substantial running narrative of their interviews.

It is clear from a review of Ex. 1465, as well as the testimony of Faraci and Occhialini, that they focused on whether there was retaliation against Gary Berte and who from DCF faxed the e-mail to Haddam Hills Academy. Missing from this earliest draft report was much discussion concerning Bonnie Brower.<sup>71</sup> This is all discussed below.

(B) THE INVESTIGATION CONCLUDED THAT THE TERMINATION OF GARY BERTE WAS HIGHLY SUSPICIOUS.

The Special Review Unit report concluded "that the circumstances surrounding Dr. Gary Berte's termination from Haddam Hills Academy were highly suspect." Ex. 1481. In fact, when interviewed, John Claude Bahrenburg acknowledged that he felt that the Berte firing may have been retaliatory.<sup>72</sup> Faraci, pp. 100 - 101. The only thing that is curious about the findings in the report concerning Gary Berte is that Ex. 1465, the draft of the report, comes to a much stronger conclusion. This is discussed in the subsection below that describes the editing process of the report.

(C) THE INVESTIGATION DID IDENTIFY A PARTICULAR DCF EMPLOYEE WHO WAS SUSPECTED OF FAXING THE E-MAIL TO HADDAM HILLS ACADEMY.

The issue of who at DCF faxed the e-mail to Haddam Hills Academy was a very important issue. This issue was pertinent to the investigation. Blau, p. 321; Gerber, p. 149. Deputy Commissioner Stacey Gerber discussed with Gary Blau the fact that the investigation should try to figure out exactly how the e-mail could have gotten from Long Lane School to Haddam Hills Academy. Gerber, p. 150.

Commissioner Ragaglia remarked as follows to the General Assembly's Select Committee on Children:

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<sup>70</sup>This exhibit is a very early version of the report, possibly the earliest draft of the Special Review Unit report that presently exists. Faraci, pp. 128 - 129; Blau, p. 324. Commissioner Ragaglia had never seen Ex. 1465. Ragaglia, p. 114.

<sup>71</sup>As noted early in this report, DCF had previously failed to adequately address concerns that Bonnie Brower had raised about Haddam Hills Academy in 1998 prior to being forced to leave her job there.

<sup>72</sup>This was later acknowledged in a letter from Bahrenburg to DCF on March 23, 2001. Ex. 1483.

[W]e were not able to identify the person who would have shared that information, who did share that information with Haddam Hills.... It shouldn't occur. We took every effort that we could to figure out who shared that information. If we had been able to identify them, they would have been disciplined.

Ragaglia comments, Select Committee on Children (videotape, May 15, 2001).

However, the investigation did result in suspicion with respect to a particular DCF employee having faxed the e-mail to Haddam Hills Academy. However, the final DCF report does not discuss this individual at all.

Of the many DCF employees who were interviewed by Faraci and Occhialini, one employee acknowledged that he probably sent it. That employee was Long Lane School Assistant Superintendent John Watts. Watts indicated that he probably sent it, then denied it. Faraci, pp. 75 - 76.

Watts indicated to Faraci and Occhialini that he probably sent the e-mail after he was shown a copy of the e-mail itself (Ex. 1572). In fact, when interviewed by Faraci and Occhialini, Watts first acknowledged knowing what the e-mail was, then he acknowledged that he may have sent it, and then, according to Faraci, he got nervous, closed up a bit, and went from "probably" to "maybe" to "might" to "wasn't sure". Faraci, pp. 139, 142 - 144. Occhialini remembers his exact words being "I probably sent the e-mail." Occhialini, p. 24.

He said he was probably, the one that faxed the e-mail, and the reason was to confront Peter Brown on the issue about accessibility and didn't recall that it had a lot of information about Dr. Berte or dispositions that had already occurred.

Occhialini, pp. 23 - 24.

Faraci also remembers that John Watts was relaxed and laid back until the e-mail issue came up when he became tense and reserved, and that he was much more reserved and cautious than others who were interviewed about the e-mail. Faraci, pp. 140 - 142. Occhialini remembers Watts being extremely nervous, and being the only witness who was extremely nervous. Occhialini, pp. 105 - 106.

In his testimony in our investigation, John Watts denied having been the one who faxed the e-mail to Haddam Hills. Watts, p. 145. However, he acknowledged having indicated to Faraci that he might have sent it. Watts, p. 146, 151.

When [Faraci] showed it to me, I'm sitting here looking at it. I'm looking at it and I'm saying, "I don't know, I might have faxed it."

Watts, p. 147.

Watts also acknowledged having spoken to Haddam Hills about some of the things in the memo. Watts, p. 159.

The sworn testimony that Watts provided to us is entirely consistent with the statements attributed to Watts in Ex. 1465 and in both Faraci's and Occhialini's recollections of what he said. However, it is not consistent with what he indicated to DCF Personnel Administrator Wanda Estrella.<sup>73</sup> Estrella testified that when she interviewed him, Watts denied ever telling Faraci that Watts may have sent the memo and was adamant that he did not send the memo. Estrella, pp. 33, 35. Estrella's contemporaneous notes of her interview of Watts include the following statement: "I didn't tell Brian that I faxed this memo to Peter." Ex. 1643.

At the conclusion of the Special Review Unit investigation, DCF had a substantial basis to suspect a particular DCF employee of having faxed the e-mail to Haddam Hills Academy. This was discussed in Ex. 1465, the draft of the report. Faraci specifically discussed with Gary Blau Faraci's suspicions concerning Watts being the DCF employee who faxed the e-mail to Haddam Hills Academy. In fact, Bureau Chief Gary Blau still believes very strongly that Watts in all likelihood sent the e-mail.<sup>74</sup> Blau, p. 346. However, discussion of who faxed the e-mail is not included in Ex. 1481, the final report.<sup>75</sup>

(D) THE INVESTIGATION FAILED TO ADEQUATELY EXPLORE BONNIE BROWER LEAVING EMPLOYMENT AT HADDAM HILLS ACADEMY.

Commissioner Kristine Ragaglia's remarks to the General Assembly's Select Committee on Children indicated that the investigation was a fact finding investigation concerning two former Haddam Hills employees. Ragaglia comments, Select Committee on Children (videotape, May 15, 2001). The two employees were clearly Gary Berte and Bonnie Brower. However, the Special Review Unit did not do much to pursue the circumstances of Bonnie Brower's dismissal. Faraci, p. 172.

Faraci was aware of Ex. 1148B, which included the chronology of Lovie Bourne's involvement with the issues raised by Bonnie Brower, but did not interview Bourne since he did not see her having any direct role in the investigation. Faraci, pp. 170 - 174. Occhialini, on the other hand, also had a copy of this document and wanted to ask Lovie Bourne how Bourne had arrived at her conclusions concerning Bonnie Brower. Occhialini asked Bureau Chief Gary Blau if they would be interviewing Lovie Bourne and was told they would not be. Occhialini, pp. 115 - 117. Blau did not think that interviewing Lovie Bourne or Arnie Trasente<sup>76</sup> concerning the Bonnie Brower issues would have added any value to the investigation. Blau, pp. 318 - 319. Lovie Bourne should clearly have been interviewed in light of Ex. 1141A and Ex. 1148B. This was directly relevant to the report since Bourne had direct contact with Brower regarding

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<sup>73</sup>The DCF personnel investigation concerning John Watts is discussed below.

<sup>74</sup>Similarly, as noted below in the section discussing DCF's personnel investigation, Personnel Administrator Wanda Estrella was not sure that she believed Watts, did believe that Watts had stated to Faraci and Occhialini that he may have sent it, and that she thought the possibility was good that Watts had sent the e-mail. Estrella, pp. 38 - 39.

<sup>75</sup>Although Brian Faraci and Bethany Occhialini tried to keep the interview of John Watts in the final report since they felt it was central to the question of how Gary Berte was fired, they were advised against it by Bureau Chief Gary Blau. Occhialini, p. 124.

<sup>76</sup>As noted earlier in this report Arnold Trasente also spoke to Bonnie Brower in 1998 and brought her concerns to the attention of Lovie Bourne. Ex. 1141A.

Brower's perception as to why Brower was no longer at Haddam Hills Academy.<sup>77</sup> Gerber, pp. 155 - 157.

This was an obvious shortcoming in the DCF investigation. Commissioner Ragaglia regarded the report flowing from this investigation as not being able to document any significant information concerning Bonnie Brower. Of course, since the investigation did not seek much information related to Bonnie Brower, the report could not have documented any. Bureau Chief Gary Blau played an active role in this investigation and directly supervised the Special Review Unit. Blau, p. 316. Accordingly, Blau was responsible for the investigation's failure to explore the Bonnie Brower related issues.<sup>78</sup>

(E) SUBSTANTIAL PORTIONS OF THE DRAFT SPECIAL REVIEW UNIT REPORT  
WERE NOT INCLUDED IN THE FINAL REPORT.

There are some striking differences between the early draft of the Special Review Unit Report, Ex. 1465,<sup>79</sup> and the final report, Ex. 1481. An examination of the reasons for changes in the report suggest that there were issues touched upon in Ex. 1465 that Bureau Chief Gary Blau did not wish to be made public.

Early in the report drafting process the draft report was described as "Independent Review of DCF Activities at Haddam Hills Academy." Ex. 1465. This early draft discussed the retaliation concerns. It also "noted concerns regarding resident treatment, DCF licensing, program review and evaluation, and juvenile justice activities at Haddam Hills." Ex. 1465. This early draft discussed interviewing a DCF employee who acknowledged that he might have faxed the e-mail to Haddam Hills Academy. Ex. 1465.

On the other hand, the final report is described as "Review of Terminations at Haddam Hills Academy." Ex. 1481. This final report discusses the retaliation concerns but does not discuss the concerns about DCF's own activities addressed in the earlier draft. Nor is there any discussion about who at DCF may have faxed the e-mail to Haddam Hills Academy. Ex. 1481.

The draft report resulting from the Special Review Unit investigation was submitted to Bureau Chief Gary Blau. Faraci, p. 82. Blau was concerned that the early version, Ex. 1465, had too much speculation which was not germane to the initial question asked by the Commissioner of whether or not Gary Berte and Bonnie Brower were fired for whistle blowing. Blau, p. 327.

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<sup>77</sup>Gerber had no knowledge that there was an issue as to whether Bourne should be interviewed. This issue was never discussed with Gerber. Gerber, p. 157.

<sup>78</sup>It is clear that DCF failed to adequately address the concerns that were raised by Bonnie Brower in 1998, as discussed earlier in this report. It is also clear that Brower's concerns about Haddam Hills Academy were ultimately proven to be meritorious. Brower was also able to establish through litigation to the satisfaction of a jury that she had been terminated inappropriately by Haddam Hills Academy in retaliation for raising concerns about what was going on there. Brower was awarded \$438,874.75. *Opielowski-Brower v. Haddam Hills Academy*, docket # CV99-0087906 S, Superior Court, Judicial District of Middlesex (January 11, 2002), *appeal docketed*, docket # AC22705 (Conn. App. January 23, 2002); Ex. 1704. Our analysis shows that Bonnie Brower was right. A jury thought that Bonnie Brower was right. It is truly unfortunate that DCF was never able to come to the same conclusion in a timely manner and properly use the information that Brower had tried to share with DCF to protect the children at Haddam Hills.

<sup>79</sup>This exhibit is a very early version of the report, possibly the earliest draft of the Special Review Unit report that presently exists. Faraci, pp. 128 - 129; Blau, p. 324.

“[T]here was some information perhaps missing from the report or information that I took out of this report feeling as it was either not germane at the question or somehow not supported.” Blau, p. 333.

Blau believed that specific names should not have been included in the final reports. When asked why not even an anonymous reference was provided, he indicated “who sent it isn’t for the public”<sup>80</sup> and noted that personnel follow up to Special Review Unit reports is common. Blau, pp. 327 - 329.

Blau asked Gary Minetti to review the draft report, but did not tell anyone about this. Blau worked on the report extensively with Minetti. Minetti recommended overhauling the report in two areas. Minetti had stylistic suggestions.<sup>81</sup> He also recommended changing from a running narrative which Minetti felt was confusing as to how the conclusions were reached. Minetti, pp. 372 - 373. Minetti recalls throwing out the copy of the report which contained his handwritten notes. Minetti, pp. 373 - 375.

Faraci and Occhialini had numerous discussions with Gary Blau about the draft report. Blau made typographical changes, noted some points on which he wanted more information, and indicated that he wanted them to sit down with Thomas De Matteo. Faraci, p. 176. De Matteo also provided feedback. Blau, pp. 341 - 343. De Matteo believed that the report should be no more than a summary of the investigation with no opinion. De Matteo, pp. 59 - 62. In the discussions with Blau and De Matteo, Faraci expressed the view that the draft report pulled together licensing, program review and special investigation issues while Blau and De Matteo believed that the draft report should be split in two. Faraci, p. 177. The draft, Ex. 1465, was to be distilled into a report dealing with Berte and Brower issues with the remainder to be pulled together into a second report focusing on some of the other issues that came up. Faraci, pp. 177 - 178; Occhialini, pp. 58 - 59.

Brian and I actually did talk about this. And at one point I do remember saying to him, look, a lot of the information you have that you had originally in the report I don’t believe goes into this report. Maybe what we should do is create a second report, sort of that more internal report.

Blau, p. 336.

Thomas De Matteo also recalls Blau supporting the two report version. Blau evidently felt that two reports would in fact be issued. De Matteo, p. 63. Faraci was angry about the report being split in two since he believed he did a comprehensive investigation and was concerned that some of the information would not otherwise come out. Faraci, pp. 177 - 178.

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<sup>80</sup>Of course, DCF, like all other state agencies, is accountable to the public. Part of this accountability is providing sufficient information so that the public is satisfied that DCF management is taking appropriate steps to investigate and act where a DCF employee committed misconduct. How DCF responds to such concerns is very much a matter for the public and one of the reasons why we explored this issue in this report.

<sup>81</sup>We are not questioning any of the stylistic suggestions. The final report, Ex. 1481, flows much better than the draft report, Ex. 1465. However, appropriate stylistic suggestions could certainly have been incorporated without removing any of the substance of the report.

I think that there was certainly a period of time when Brian, and I'm not sure as much Beth, but Brian certainly felt that I had hacked this report. And I think he ultimately came around. But there was some discussion, some healthy discussion between Brian and myself about what should be contained in this report.

Blau, pp. 334 - 335.

Faraci and Occhialini strenuously questioned Blau about the need for two reports but Blau disagreed with them and indicated that there would be a forum for their concerns, asking them to generate a separate document which Blau would look at after the information was separated out. Occhialini, p. 63. Blau indicated to them that the second part would go to the Commissioner's office. Occhialini, pp. 127 - 128. They asked Blau numerous times what happened to the second report which was never issued but got no answer. Occhialini, pp. 75 - 76. In fact, their concern was well founded as the idea of a second report was never followed.

Part of the reason was that I truly didn't know what it would gain for us. We already knew that we had problems at Haddam Hills. We already knew that we had disagreement amongst Program Review and Licensing and Hot Line and Juvenile Justice. And of this stuff we already knew. So what is it that we would have been gaining from a second report?

Blau, p. 337.

[I]t didn't make a lot of sense to put a lot of resources into a subsequent report. I can't argue with you that it would not have been a bad thing.

Blau, p. 340.

A final draft of the report was sent to Deputy Commissioner Stacey Gerber by Gary Blau on March 2, 2001. Ex. 1469B. This version of the draft report is virtually identical with the final version of the report issued on March 9, 2001. Ex. 1481. While this version does not contain the discussion of John Watts acknowledging that he may have sent the e-mail, Blau remembers discussing the Watts issue with Gerber and Gerber saying that she would follow up. Blau, pp. 322 - 323, 344 - 345. Gerber included a handwritten note on Blau's cover memo asking Wanda Estrella to investigate. Ex. 1469A. Gerber shared this draft report with Commissioner Ragaglia and Deputy Commissioner Gilman. Gerber, p. 178.

Blau discussed with Ragaglia and Gerber whether or not the report should make a finding. However, at the time of these discussions neither Ragaglia nor Gerber was fully aware of all of the information that had been gathered by the Special Review Unit.

Ragaglia remembers Blau coming to her and asking whether the report should make a finding or not. They did not discuss any of the evidence that had been gathered. This discussion was a short discussion that lasted less than 5 minutes. Ragaglia, pp. 111 - 112.

Gerber remembers Gary Blau calling her to give her a heads up that Brian Faraci was not happy with Blau concerning the report. Faraci wished to include information that Watts had faxed the e-mail and that there was retaliation. Gerber, pp. 151 - 152; 180. Gerber indicated to Blau that Watts should not be named, that the report could lay out the facts of what Watts said,

but not reach a conclusion. Gerber, p. 154. Gerber believed that the information concerning Watts would be in the report in some form and told Blau that the report needed to outline the facts and should make reference to a human resources matter to be addressed separately. Gerber, p. 154. Gerber was not aware of the earlier draft, Ex. 1465, when she was discussing the report with Blau and now has a better understanding of Faraci's concerns.<sup>82</sup> Gerber, pp. 160, 180. Moreover, much of the information in Ex. 1465 was completely new to Gerber both in connection with the faxing of the e-mail and otherwise.

Among the information that was new to Gerber concerning the faxing of the e-mail was the discussion in Ex. 1465 that Dan Panchura and Arnold Trasente were told by superiors not to look into who faxed the e-mail and Ken Mysogland reporting that he was not to look into it since Rudy Brooks would handle the matter. Gerber, pp. 162 - 163. Gerber explained why that was a concern:

A I think that there's relevant information that other people had concerns that they wanted to follow up and someone told them not to follow up. That concerns me.

Q And that's not something you were aware of prior to reading this document?

A Oh, no.

Q That's not something Gary Blau ever told you?

A No.

Gerber, p. 164.

Gerber was also not informed of many other matters that were discussed in Ex. 1465. These included parole staff members expressing concerns regarding resident treatment, parole staff members not having confidence that residents were safe, Gary Minetti documenting concerns with respect to the e-mail following the inquiry by Anne George, concerns raised by clinicians at Haddam Hills, Peter Brown being aware of unannounced DCF visits to the facility, Thomas De Matteo declining to sign the license, the extent to which Haddam Hills employees were advised by the administration at Haddam Hills not to speak with DCF personnel, Arnold Trasente confirming a period of time from the summer of 1998 to the summer of 1999 in which program review staff were not involved in Haddam Hills, among others. Gerber, pp. 164 - 171.

Lots of that information goes directly to the quality of the program and what was happening with the children and what was happening with the staff. There were some things that needed follow up from that.

Gerber, p. 171.

In Gerber's opinion more follow up was needed both on the e-mail and other substantive issues addressed in the Special Review Unit investigation.

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<sup>82</sup>Gerber indicated that she had never even seen Ex. 1465 until her testimony in April 2002. Gerber, p. 160.

I would have gotten more specifics around that January 12 meeting that I mentioned was new to me. Apparently there was a decision or discussions around potential revocation and why those things changed. I would have wanted more flushing out of those pieces had I had that information at that time.

\* \* \*

Yes, I would have wanted more specific follow up on why people -- who told people not to follow up, if they could recall or had any notes or specifics around some of them. Clearly, people, based on what I read in the [Ex.] 1465, expressed concerns around the sharing of that e-mail and wanted to pursue it further and apparently were told not to. So I would have wanted more detailed specifics on that.

Gerber, pp. 175 - 176.

The final Special Review Unit report was issued on March 9, 2001. Ex. 1481. A copy was sent to Haddam Hills Academy. Ex. 1477. Commissioner Kristine Ragaglia also referred the final report to the Attorney General on March 9 and March 12, 2001. Ex. 1475; Ex. 1476. The report was circulated at DCF on March 20, 2001. Ex. 1481.

The Special Review Unit report does conclude that Gary Berte's firing was highly suspicious. However, the report does not fully discuss the concerns raised with respect to Bonnie Brower. Also, the report fails to discuss the issue of who at DCF faxed the internal e-mail to Haddam Hills Academy and why the fax transmission was made. The DCF staff who worked on the report argued strongly for including more in the report but were overruled by Bureau Chief Gary Blau. Blau did not inform his superiors of much of the information given to him by the Special Review Unit. As a consequence, the much delayed investigative report concerning the e-mail was inadequate.

***5. A Personnel Investigation by DCF Also Failed To Resolve the Question of Which DCF Employee Faxed the E-Mail to Haddam Hills Academy.***

There was also a personnel investigation into the faxing of the e-mail to Haddam Hills Academy in 2001. This investigation also failed to resolve the question of which DCF employee faxed the e-mail to Haddam Hills Academy.

In the view of Deputy Commissioner Thomas Gilman the investigation of the faxing of the e-mail should have been a personnel investigation and whoever knew about the e-mail, whether Rudy Brooks, Gary Blau or Gary Minetti should have notified personnel. Gilman, p. 65. However, the investigation did not commence until March 2001 when DCF Personnel Administrator Wanda Estrella was asked by Deputy Commissioner Stacey Gerber in March 2001 to start an investigation concerning the faxing of the internal DCF e-mail to Haddam Hills Academy. Estrella, pp. 17 - 18. Gerber called Estrella about this as soon as Gary Blau had brought the issue to Gerber's attention. Gerber, p. 173. Gerber also informed Commissioner Ragaglia. Ragaglia, pp. 115 - 116. This occurred more than one year after the faxing of the e-mail.

Estrella had no knowledge of the e-mail issue prior to being asked to do the investigation. She was also unaware of any DCF investigation concerning the e-mail prior to the Special Review Unit investigation.<sup>83</sup> Estrella, pp. 17 - 18.

Estrella interviewed Brian Faraci and Bethany Occhialini and obtained their report. Estrella, pp. 19 - 20. The report that she received was Ex. 1481, the final report of the Special Review Unit. She had not seen the drafts represented in Ex. 1465 and in Ex. 1469A before her testimony in this whistleblower investigation. Estrella, pp. 20 - 21. Some of the information in Ex. 1465 was new to her. Estrella, pp. 20 - 21.

Estrella also interviewed John Watts with Rudy Brooks present. Estrella, p. 32. Watts denied telling Faraci that he may have sent the memo and was adamant that he did not send it.<sup>84</sup> Estrella, pp. 33, 35. Estrella's contemporaneous notes of the interview of Watts include the following statement: "I didn't tell Brian that I faxed this memo to Peter." Ex. 1643. This statement by Watts is inconsistent with the testimony that Watts provided to us and also inconsistent with what Faraci and Occhialini recall Watts stating to them.

Bureau Chief Rudy Brooks indicated to Estrella that he was supportive of John Watts and felt that there was no evidence that Watts had sent the memo. Brooks did not indicate that he did an earlier inquiry. Estrella, p. 37. Brooks did not discuss with Estrella other steps that could have been taken regarding the e-mail. R. Brooks, p. 289.

Estrella reported to Deputy Commissioner Gerber that she did not think she could prove that Watts sent the memo, although she was not sure that she believed him and did believe that Watts had stated to Faraci and Occhialini that Watts may have sent it. Estrella indicated to Gerber that she thought the possibility was good that Watts had sent the memo. Estrella, pp. 38 - 39; Gerber, pp. 185 - 186. Estrella did not discuss with Gerber any other steps to take to ascertain what happened, did not check attendance records, did not check any logs that may have been available to see who was present at Long Lane School at the time the e-mail was faxed. Estrella, pp. 39 - 40.

Gerber recalled being frustrated with this matter and discussing other non-disciplinary measures with Estrella. In particular, Gerber asked Estrella to work with Rudy Brooks to ensure that John Watts was counseled about this matter, although Gerber did not know if the counseling actually happened. Gerber, p. 187. The last Estrella remembered being involved in this issue was Estrella's discussion with Gerber. Estrella, p. 42. Watts did not recall any discussions with anyone about the e-mail following his interview with Wanda Estrella. Watts, p. 163. Accordingly, it does not appear as if the counseling with Watts ever occurred.

As a result of the personnel investigation, DCF continued to suspect that John Watts had faxed the e-mail to Haddam Hills Academy. While Estrella did not think that she could prove this, neither she nor anyone else at DCF took any further steps to ascertain whether or not they could.

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<sup>83</sup>As noted above, the Special Review Unit investigation was conducted between January 2001 and March 2001.

<sup>84</sup>Watts also indicated to Estrella that there were things in the memo that he had spoken to Haddam Hills about. Watts, p. 159.

## **6. Summary.**

DCF did a very poor job of following up on issues presented by the faxing of a confidential internal DCF e-mail to Haddam Hills Academy. The fact that the e-mail was faxed to Haddam Hills Academy was known to many in DCF management, including Commissioner Ragaglia. The matter was never looked into in a timely fashion. The investigation that finally took place was untimely and seriously flawed.

## **IV. DIFFERENT COMPONENTS OF DCF HAD GREAT DIFFICULTY COMMUNICATING WITH EACH OTHER, TO THE DETRIMENT OF THE CHILDREN AT HADDAM HILLS.**

In the course of our review of DCF's interaction with Haddam Hills Academy it became very clear that DCF had great difficulty communicating with its own personnel. This certainly contributed to DCF's failure to take timely and appropriate action with respect to Haddam Hills Academy. Accordingly, we are highlighting some of these concerns below.

### **A. EFFORTS IN 1998 TO SIGNIFICANTLY IMPROVE DCF INTERNAL COMMUNICATION WERE NOT SUCCESSFUL.**

If anything is clear about DCF's interaction with Haddam Hills Academy it is that DCF's quality management system did not work. This is especially surprising since 1998 was the year that DCF made a concerted effort to improve internal communications associated with the oversight of DCF licensed facilities.

There was a concerted effort within DCF in 1998 to develop a mechanism that integrated all of the disciplines that were involved with overseeing DCF licensed facilities. The mechanism was known within DCF as the Private Provider Group. Commissioner Kristine Ragaglia was directly involved in these efforts. In fact, Haddam Hills Academy is one of the facilities that was tracked through this process. However, the effort was abandoned very early in 1999 due to inattention by DCF management.

On January 20, 1998, Director of Quality Assurance Michael Schultz submitted a memorandum to the DCF management team describing a general approach to addressing a corrective action process for private agencies receiving DCF funds. The memorandum described some very general ideas, noted the initiation of an internal group to coordinate services to private providers, and indicated a review of the many levels of interaction with DCF. Ex. 1608A. The impetus for this approach was fragmentation within DCF concerning providers. Different people within DCF had different pieces of information about providers, strong views and perspective, but did not share them. The Private Provider Group was an effort to bring them together to share information. Schultz, pp. 198 - 199. This group was seen as valuable because it brought people together across different parts of DCF who had different responsibilities for a particular aspect of a program. R. Brooks, p. 99.

Commissioner Ragaglia liked the idea. On January 28, 1998, she sent a memo to Schultz indicating the following:

This is an excellent approach. Once done, it should be communicated to providers and put into policy.

Ex. 1608B.

By March 1998, the Private Provider Group, with representation from many bureaus at DCF, was meeting to discuss issues that came up with respect to particular programs. Schultz prepared a memorandum summarizing the meetings and circulated it widely at DCF. An example is a summary of a meeting dated March 16, 1998. Ex. 1615A. Commissioner Ragaglia was clearly paying attention to these efforts. On March 19, 1998, she sent a note back to Schultz stating: "Nice work. I like these memos." Ex. 1615B. Ragaglia encouraged Schultz with Ex. 1608B and Ex. 1615B since Ragaglia thought that it was a good approach. Ragaglia, pp. 21 – 22.

There were meetings early in 1998 including Deputy Commissioner Stacey Gerber, Gary Blau and Michael Schultz to discuss the Private Provider Group. Topics discussed included the information available on all programs that would allow DCF to know where a particular program stood at any given time, the licensing status and capturing of all the information together. The roles of staff, including program review and licensing, were discussed as well as the need to integrate information with quality management and other bureaus in the DCF central office. Gerber, pp. 42 - 43.

By memorandum dated April 2, 1998, Commissioner Ragaglia asked Schultz to begin providing her the status of all program reviews in chart form on a biweekly basis.<sup>85</sup> Ex. 1616. Schultz complied on April 10, 1998. Ex. 1617. On April 14, 1998, Ragaglia sent a note to Schultz which stated:

★ Thanks. Nice Work. I really like the charts. ★ See my changes. I would like a revised memo... I would like to distribute it to all Bureau Chiefs...

\* \* \*

I would like you to ... do a what's new in Quality Mgt. for the Newsletter. Short, sweet, to the point. Stuff like all the teamwork + significant improvement in program quality is key.

Ex. 1617 (emphasis in original).

Schultz provided a memorandum to Commissioner Ragaglia, Deputy Commissioner Stacey Gerber and Bureau Chief Gary Blau on April 16, 1998. This memorandum described the group's work as follows:

As you know, central office personnel from various units, divisions and departments have been meeting together on a bi-weekly basis since January of 1998. The purpose of this meeting is to share pertinent information, integrate functions and develop a coordinated method for working with private providers. The group's work has been quite effective in identifying concerns, articulating

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<sup>85</sup>Bureau Chief Gary Blau was copied on this memorandum. Ex. 1616.

attempted solutions, and providing various and comprehensive perspectives on the development of new plans for intervening.

Ex. 1618.

The first set of program reviews was submitted to Commissioner Ragaglia on April 20, 1998, including presentations in chart form for a number of facilities. Ex. 1619. While this was several months prior to Haddam Hills' opening it included Haddam Hills, noting the need for a standard licensing/program review and also the need for technical assistance and consultation. The chart for Haddam Hills noted significant physical facilities problems and the need for comprehensive program review and technical assistance to ensure a "reasonable effective beginning" for the program. Ex. 1619.

Commissioner Ragaglia was personally aware of this process unfolding:

... I had a general awareness that the team was having regular meetings of some type in which different parts of the agency came together to talk about specific provider issues, requests, whatever might relate to a specific provider.

Ragaglia, p. 24.

Ragaglia thought that this process was good. Ragaglia, p. 24. This process resulted in additional program review updates, including updates on May 11, 1998, June 9, 1998, July 16, 1998 and August 10, 1998. Ex. 1112; Ex. 1605; Ex. 1624; Ex. 1625; Ex. 1630. In fact, the June 9, 1998 program review update is the document that reported the AWOL at Haddam Hills Academy during its first week of operation and the absence of clinical staff. Ex. 1624. While Ragaglia does not specifically recall Ex. 1624, she liked the charts and looked at them as they came through. Ragaglia, pp. 23 - 24, 41.

The Private Provider Group helped to coordinate communication among staff at DCF. Gerber, pp. 27 - 28. Information was shared so that everyone in various disciplines at DCF would have all information about providers so "that they would also have some understanding of what the program was doing, where the program was, that licensing would have information about requests that might be made to some of the program people or some of the fiscal people." Gerber, p. 28.

Commissioner Kristine Ragaglia was supportive of Schultz's efforts. Ragaglia, pp. 21 - 22. Deputy Commissioner Stacey Gerber was also supportive. Gerber, pp. 26 - 27, 29.

The Private Provider Group stopped meeting when Michael Schultz was reassigned within DCF early in 1999. Gerber, p. 29<sup>86</sup>; G. Brooks, p. 20; McPherson, pp. 109 - 110. An obvious question that arises is if the Private Provider Group approach was a good one — it certainly seems that Commissioner Ragaglia thought it was — why did it stop early in 1999?

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<sup>86</sup>Deputy Commissioner Stacey Gerber indicated that it was only in the couple of weeks before her April 2002 testimony in connection with this investigation that she learned that the Private Provider Group stopped when Schultz was reassigned within DCF, but that she did not know this at the time. Gerber, p. 29. She did not perceive that this group had stopped through the course of her duties. Gerber, p. 30.

Ragaglia did not learn that this process stopped in 1999 until preparing for her testimony in connection with our investigation. She was not aware of it at the time, would have expected to know about it, and does not know why it did not come to her attention. Ragaglia, pp. 24 - 25. Ragaglia testified that she would like to assume that if the process is one that the Commissioner liked and served a valuable purpose, managers would keep the process going after the one running it gets reassigned. Ragaglia, p. 26.

Just because a single manager is reassigned within the agency should not mean that a good program should disappear. In fact, one would expect that whichever manager assumed his duties would either continue the program or refine it to make it better. The responses of the managers who absorbed Schultz's functions — Bureau Chief Gary Blau and Licensing Director Gary Minetti — are very revealing.

Minetti felt that the private provider group was effective in terms of sharing information and people getting to know and work with each other, but that it was not very effective beyond that. Minetti, p. 22. Attendance from different parts of DCF was not high, people weren't involved. There were discussions with Gary Minetti about whether to continue the program. Some, including Arnold Trasente, expressed the view that this group was valuable, although the general opinion, shared by Minetti, was that it was not necessary. Trasente, pp. 173 - 175. Meetings were not getting scheduled any more since they had been scheduled by Schultz's secretary. "[W]ithout him there, they just sort of dropped up [sic] a radar screen." Blau, p. 440.

Bureau Chief Gary Blau, who had overall responsibility for quality management, indicated that "when we are able to convene and coordinate and reduce sort of DCF fragmentation, that processes like that are very good." Blau, p. 439. Asked why he did not continue the process, Blau responded: "... I think that the information I had from some people was that the meeting had turned into more of a bitch session or sort of provider bashing and was not getting what people wanted out of it." Blau, p. 439. Blau suggested that DCF shifted to other forms of communication. Blau, p. 441. When pressed as to why Blau, as the higher level manager, did not give direction to recast the Private Provider Group concept in a way that kept the positives but also addressed some of the negatives, Blau responded:

I think my answers are not satisfactory.

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... the very candid answer about this is the idea of bringing in yet another responsibility into that framework, I think, was an untenable solution for me at that point.... And I do not feel regret that my time factors given my work hours and work week are legitimate. And I just couldn't fit it in.

Blau, pp. 444 - 446.

Deputy Commissioner Gerber expressed surprise at learning before her April 2002 testimony in connection with this investigation that she did not know in February 1999 that the Private Provider Group stopped operating. Gerber, p. 33. She was told by Gary Blau that it was not serving the function that everyone had hoped. Gerber, p. 33.

Q Did you ask him if things weren't working as well a people thought why it was disbanded rather than people focusing on the problems and making it better?

A No, I did not.

Gerber, p. 34.

Ultimately DCF was to recognize that a process like the Private Provider Group was a very valuable process. In fact, one of the things that DCF did in 2001, after the Haddam Hills Academy issues had become public, was to establish a group known as the Program Update Committee which involved executive staff (often including the Commissioner), bureau chiefs, Hotline and quality management personnel meeting on a regular basis to specifically discuss problems at programs and how to bring all of the resources of DCF to bear on them. The Commissioner's Program Update Committee grew directly out of discussion at DCF about Haddam Hills following license revocation, including what went wrong, what went right, what could have been done better. Ragaglia, pp. 26 - 27; Gerber pp. 35 - 36; Gilman, pp. 158 - 160. It started in March or April 2001. Gerber, p. 34.

The Program Update Committee's role is strikingly similar to the former Private Provider Group, the exceptions being that it is a much higher level group at DCF which meets and that the process is taken seriously. "The concept is pretty much the same as I recall." Gerber, p. 35. This group enables DCF to focus. "It's focus. If you focus on it, it will get done efficiently and well, but you have to decide how you're going to spend your time and on what you're going to focus." Gilman, p. 169.

The concept behind the Private Provider Group of having interdisciplinary meetings to focus on problems at programs was a good concept in 1998 when it was first introduced. It was still a good concept when it was reintroduced in 2001 as a direct response to DCF introspection concerning Haddam Hills Academy. This concept clearly had the personal attention of Commissioner Ragaglia in 1998. So what happened? Why did this process stop early in 1999?

At the most fundamental level what happened is that neither Gary Blau nor Gary Minetti continued the Private Provider Group and it disappeared. This was managerial inattention at its worst. Instead of further developing and refining a structure to provide more effective oversight of DCF licensed facilities, and thereby serve DCF's critically important mission of protecting children, they just let the program drop. We are also mindful that this process is one that had Commissioner Ragaglia's personal attention and strong approval in 1998, as well as the attention of Deputy Commissioner Stacey Gerber. Surely, they should have noticed when it stopped, given appropriate direction to DCF managers to continue it, and followed through to ensure that their directives were complied with.

## **B. THERE WERE SERIOUS PROBLEMS ARISING FROM THE INTERACTION BETWEEN LICENSING AND PROGRAM REVIEW STAFF.**

Within the Bureau of Quality Management is a Licensing Unit and a Program Review and Evaluation Unit. Both units had substantial responsibility with respect to Haddam Hills Academy. There was also a great deal on confusion with respect to their respective roles and also with respect to their reporting relationship ultimately to Bureau Chief Gary Blau.

At the time that Haddam Hills was first getting organized in 1998, both Licensing and Program Review reported to Licensing Director Gary Minetti. Minetti reported to Director of Quality Assurance Michael Schultz. Schultz reported to Bureau Chief Gary Blau.

This reporting relationship was not clear to the staff in the units. They did not understand whether they reported to Schultz or to Minetti. McPherson, pp. 6 - 7.

There was also a great deal of confusion as to what roles Licensing and Program Review should play. At one point Licensing was viewed as reviewing minimum standards while Program Review focused on a more qualitative analysis addressing programmatic concerns. Schultz, p. 22. Licensing had the regulatory focus and Program Review had the clinical focus. Blau, p. 31. This view of how these units should interact was a very serious problem since it made it very difficult to utilize considerable information gathered by Program Review in connection with the licensing process.

James McPherson, the assigned facilities inspector for Haddam Hills Academy, testified the roles of Licensing and Program Review were blurred. McPherson, p. 15. He did not know who the lead person on Haddam Hills Academy was, or even if there was a lead person. McPherson, pp. 79 - 80.

There was a lot of friction between licensing and program review staff before February 1999. S-47, p. 14. This period of time, which happens to be the period when one would have expected review of the provisional licenses given to Haddam Hills Academy, was a period in which supervisory staff were struggling with the tension between the Licensing and Program Review units. Blau, pp. 124 - 128.

Michael Schultz was reassigned within DCF in February 1999. While this removed the confusion on the part of staff as to whether they reported to Schultz or Minetti — after Schultz's reassignment they clearly reported to Minetti — significant problems in supervision remained. Loose supervision by Minetti continued to cause problems.

Gary Minetti did not provide individualized supervision to staff, only defined their roles very loosely, and did not necessarily read their reports. McPherson, p. 10. One licensing staff person testified that Minetti was very lax concerning licenses. Sometimes Minetti looked at reports and sometimes he didn't. This staff person indicated that a blank license could be put on Minetti's desk and Minetti would sign it, that he had very few comments, and did not seem to pay much attention to what was going on. S-47, p. 17. "I think most of us felt he was pretty much incompetent." S-47, p. 19.

We asked for a lot of direction from him around different issues. I think after about -- well, by the fall of 2000 -- no, the fall of 1999, we had generated a list of probably about 25 items, long-standing items, that we hadn't gotten closure on, and we wanted him to give us answers to these things, and we never got any resolution for that. It was a frustrating time for us to work in that environment.

S-47, pp. 17 - 18.

Minetti had information that was essential to staff performing their duties that was not provided to staff. For example, staff were not informed by Minetti of Hotline reports that were made and for the most part would learn about issues after the fact. Hotline reports would come in but not actually get to the Licensing Unit.<sup>87</sup> McPherson, p. 21. The same was true for Program Review. Program review staff did not see Hotline reports in a timely fashion, did not have a formal protocol for addressing them, and would not necessarily see a Hotline report that Gary Minetti had a copy of. Panchura, p. 15. Minetti acknowledged that when he first became licensing director he did not pass Hotline reports on to his staff. He did not start this until 1999 - 2000. Minetti, pp. 16 - 17.

It ultimately took DCF hiring an outside consultant to sort out what to do with Licensing and Program Review. Blau, p. 30. This followed a number of staff grievances.

### **C. THE BUREAU OF QUALITY MANAGEMENT FAILED TO RESPOND ADEQUATELY TO HOTLINE REPORTS.**

There is a centralized system in DCF of routing all allegations of abuse or neglect concerning DCF licensed facilities through the DCF Hotline. The Hotline investigates allegations and report findings of abuse or neglect or of programmatic concerns at such facilities. Responsibility for following up on such concerns belongs to the Bureau of Quality Management. However, Hotline had great difficulty getting the attention of the Bureau of Quality Management.

In general, Kenneth Mysogland and personnel at the Hotline did what they were supposed to do. Others at DCF, including Bureau Chief Gary Blau and Bureau Chief Rudy Brooks tended to minimize the significance of Hotline reports. Schultz, pp. 128 - 129. There was a disconnect between Hotline reports and subsequent action of quality management. Schultz, p. 330.

Hotline Director Kenneth Mysogland had numerous discussions with Bureau Chief Gary Blau and Licensing Director Gary Minetti concerning Haddam Hills Academy. There was no agreement.

Mysogland spoke with Gary Blau about his frustrations with Haddam Hills' lack of responsiveness, lack of integrity on the part of the executive director. Blau would respond that the issues were being addressed with corrective action plans and unannounced visits. Mysogland, pp. 213 - 214. Mysogland recalls discussing Haddam Hills with Blau as early as 1999 and specifically recalls discussing the report concerning the hit squads. Mysogland, pp. 322 - 323. In December 1999, Hotline and quality assurance really "buted heads" which was the first time that this happened. Mysogland, p. 215. Whenever Mysogland would have concerns arising from Hotline investigations, he would follow up directly with Blau and Minetti. Mysogland, p. 220.

Minetti disagreed with Mysogland about Haddam Hills. Mysogland wanted to shut it down while Minetti's view was to continue the corrective action plan. Mysogland, pp. 51 - 52.

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<sup>87</sup>One staff person testified that there were discussions with Minetti to try to get Hotline reports and that Minetti indicated that he was working with Hotline to get that information. S-46, pp. 26 - 27.

Gary Blau was of the same mindset as Minetti, feeling that DCF needed to give the facility more time to allow Peter Brown to straighten it out. Mysogland, pp. 52 - 53. Mysogland's inability to get Blau and Minetti to heed his concerns was very disheartening to Mysogland.

From that point on I think it was fair to say that, you know, yes, we knew we were forwarding our reports and people were getting them, but we didn't have a lot of faith there was going to be significant follow-up or significant stuff done. If you couldn't do it with Haddam Hills, there's no way you can do it with these other programs.

Mysogland, p. 252.

Bureau Chief Gary Blau acknowledged that he perceived a distinction between Hotline substantiations of abuse or neglect and Hotline findings of program concerns. Blau, pp. 131 - 135. Blau also indicated that he wanted the supporting facts leading to the Hotline report conclusions. Blau, p. 136.

Blau was aware that issues arose between Kenneth Mysogland and Gary Minetti. Although Blau heard about these disagreements from Minetti, Blau did not independently review the Hotline reports to determine whether he felt that Minetti's perspective was meritorious. Blau, p. 137. Of course, this had the effect of ratifying Minetti's disagreement with the Hotline by default. Moreover, program review staff did not see Hotline reports in a timely fashion and did not have a formal protocol for addressing them. Panchura, p. 15. Program review staff would not necessarily see a Hotline report that Gary Minetti had a copy of. Panchura, p. 15. This effectively rendered Hotline reports meaningless.

Gary Minetti acknowledged that he was not always in full agreement with Hotline as to how to proceed with respect to Haddam Hills Academy. Minetti, pp. 160 - 161. Although Minetti's testimony indicated a concern with Hotline documentation, when pressed he was not able to articulate his concern.

A Okay. Hotline was identifying program concerns. It's fair to say they were getting better at documenting what they meant by program concern.

Q So you discounted some of the earlier reports because they weren't well documented?

A No, sir, not at all.

Q What was wrong about Hotline's documentation?

A Nothing was wrong about Hotline's documentation and it's helpful that, if our part of the department is going to follow-up on a Hotline concern, it's helpful to have as much detail as possible."

Minetti, p. 329.

Hotline Director Kenneth Mysogland would also discuss with his Bureau Chief, June Wiehn, his concerns about Blau and Minetti not taking his concerns seriously. Wiehn's

testimony about this topic highlights the serious problem in getting the Bureau of Quality Management to take Hotline reports seriously.

Q At any point during the time that Ken Mysogland was expressing these concerns to you, did you feel that it was appropriate for you to talk to Gary Blau or Gary Minetti about this issue with Ken Mysogland saying that they weren't paying enough attention.

A I would have to tell you that I didn't think it would have done anything good.

Q And why not?

A Because they don't view me as a clinician. I don't have a mental health background. My background is child protective services abuse and neglect that is my field of expertise. And they feel that they know all there is about institutions ... I don't think that they value anything that comes from Child Welfare.

Q What leads you to believe that Gary Blau and Gary Minetti wouldn't pay any attention to what you had to say?

A That is my experience with them.

Wiehn, pp. 36 - 37.

The reality is, you know, he wants to do what we [sic] wants to do in that particular area. And nothing that I have been able to do, and I have made many attempts, has changed anything. So would I have any great hope that my going to Gary Blau about something that he thinks he's an expert on would do anything, no.

Wiehn, p. 40.

... So to answer your question, I don't think that talking to Gary Blau would have accomplished one thing. And in the end, I didn't do it.

Q But the background, at the time, was that you felt that it was worthless based on your own experience?

A Yes.

Q So you encouraged Ken to just give them the information?

A Well, he was supposed to work with them. That's the way it was set up. Although, the feedback really needed to be straightened frankly, as far as I was concerned, in terms of the QA people following up on what we actually found. And not just dismissing what they felt were uneducated investigators. I don't know that they used those words, but that was the impression that you walked away with. That we were sort of a hysterical bunch of ninnies. And they knew much better, what was really going on and how tough it was to work in those places.

Q Let me ask you something, is that your subjective view based upon your experience in working with them? Or are you aware of any circumstances where Gary Blau, Gary Minetti or others actually said things to that effect? That the program, you know, the people in Hotline just aren't qualified to make the kinds of judgments that they need to make in their duties?

A I don't know that they ever said that. But I've sat at meetings with them where their body language and their discussion of the information that had been brought to them would clearly tell you that they didn't have a lot of respect for the people in the Special Investigations Unit.

Wiehn, pp. 42 - 43.

Having one Bureau Chief feeling that another Bureau Chief does not take information from the former's bureau seriously is indicative of a serious internal communication problem at DCF. This is clearly a problem in and of itself. What is even more tragic, however, is that one of the effects of this serious internal communication problem is DCF failing to take appropriate action to protect children.

The Hotline reports concerning Haddam Hills Academy were right on target. The issues that ultimately led DCF to close Haddam Hills were the very same issues that Hotline had been documenting all along. The failure of certain DCF managers to properly credit the information in DCF Hotline reports, especially in light of repeated efforts by Hotline Director Kenneth Mysogland to get them to take appropriate action, was a significant contributing factor in DCF's failure to take appropriate action to protect children in a timely manner.

#### **D. THE RELATIONSHIP BETWEEN THE BUREAU OF JUVENILE JUSTICE AND THE BUREAU OF QUALITY MANAGEMENT WITH RESPECT TO HADDAM HILLS ACADEMY WAS BLURRED.**

Quality management functions at DCF, such as licensing and program review, are supposed to be separate from DCF's programmatic areas in order to assure their objectivity. This is a point that Commissioner Kristine Ragaglia has been clear about.

... the people who are in licensing, the people who are in the program review area report up through quality management, that is a different chain of command than our programmatic areas. The reason that we do that is because we don't want quality management people to be conflicted about whether they should keep a program open or close a program down. It's not their business to make the decision about how that decision is gonna affect the rest of the agency, that's not their job.

Ragaglia comments, Select Committee on Children (videotape, May 15, 2001).

DCF staff saw Juvenile Justice's job as ensuring that the contractor and Licensing were on the same page. G. Brooks, p. 13. Juvenile Justice played a key role in negotiating the program in terms of the kinds of youth that would be referred, expectations of service and other things. McPherson, p. 55. Bureau Chief Rudy Brooks was the lead DCF staff member and took the lead

in explaining DCF's expectations to the facility organizers. R. Brooks, pp. 45 - 46, 93; Schultz, p. 53; Trasente, pp. 39, 57, 192. As noted earlier in the report, Juvenile Justice's actions were significantly influenced by pressure associated with overcrowding at Long Lane School.

Rudy Brooks remained an advocate for Haddam Hills even after problems surfaced. He felt that the program was needed given what was going on at Long Lane School and had a higher tolerance for some of the issues than others at DCF. Schultz, p. 282. Rudy Brooks himself recognized that while his role was to advocate someone had to take an objective look at the program.

Because I wanted the program to succeed, and I am advocating hard. I am one of the people who wants this program to work. I need it. I want it to work. I'm invested in it. And, you know, I believe in technical assistance, making sure the kids are safe. You've got to make the program work.

And when I advocate -- I'm, pretty strong in advocating that way...

So that's me from the program side, but there needs to be somebody who looks at it objectively who has, I want to say, I guess, probably less of a vested interest in - - maybe 'vested interest' isn't the right word, but somebody who can just look at it objectively.

I could look at it objectively, but I still have -- I'm a program person. I have a bias in that regard, and I want something to work...

R. Brooks, pp. 217 - 220.

There is considerable evidence of the Bureau of Juvenile Justice playing a key role in DCF's licensing function and in providing oversight at Haddam Hills. In fact, communications concerning Haddam Hills went through Juvenile Justice and then were channeled to Licensing. McPherson, pp. 118 - 119. Staff from the Bureau of Juvenile Justice were at Haddam Hills Academy frequently, ostensibly looking for things out of the ordinary. Bourne, pp. 106 - 107.

However, the Bureau of Juvenile Justice should not have performed any licensing functions. Ragaglia, p. 35. Quality management staff should not have been deferring to Juvenile Justice. Gerber, p. 215.

A natural consequence of the Bureau of Juvenile Justice playing such a key role with respect to Haddam Hills Academy was that DCF personnel with a vested interest in keeping Haddam Hills open significantly influenced DCF's actions concerning Haddam Hills Academy, rather than personnel whose charge was to take an objective and critical look at what was going on at the facility. Quality management functions at DCF should have been independent of the programmatic areas in fact as well as in theory. The reason for this was articulated well by Commissioner Ragaglia:

... The reason that we do that is because we don't want the Quality Management people to be conflicted about whether they should keep a program open or close a program down. It's not their business to make the decision about how that decision is gonna affect the rest of the agency, that's not their job.

Ragaglia comments, Select Committee on Children (videotape, May 15, 2001).

It is clear that personnel from the Bureau of Juvenile Justice played a very substantial role in providing regulatory oversight of Haddam Hills Academy during much of the facility's existence, to the exclusion of the Bureau of Quality Management. This simply should not have happened.

**E. DCF DOES NOT HAVE AN ADEQUATE SYSTEM OF TRACKING CONCERNS ABOUT FACILITIES THAT ARE EXPRESSED BY DCF JUVENILE PAROLE OFFICERS.**

In the course of our investigation, we learned that juvenile parole officers at DCF had regularly and repeatedly expressed concerns about what was going on at Haddam Hills Academy. It became very clear that DCF does not have an adequate system for tracking these concerns.

The youth from Long Lane School who were placed at Haddam Hills Academy each had an assigned juvenile parole officer. The juvenile parole officers would regularly meet with the children that they were responsible for. These juvenile parole officers would learn a great deal of information about Haddam Hills Academy during these visits.

Many juvenile parole officers and their supervisors had expressed serious concerns about Haddam Hills Academy from the moment that it opened. It does not seem that this information was handled well within DCF, let alone heeded.

One parole officer observed that opening Haddam Hills was a "rush job to get program together and to get our kids in the program." S-52, p. 9. This officer observed that it was the same program as Founders which was closed, with no improvements. S-52, pp. 7 - 8.

Parole officers started hearing concerns about Haddam Hills immediately after it opened. S-51, p. 11. Early concerns at Haddam Hills were concerns about the supervision of youth, and drugs in particular. Youth tested positive when not on a home pass. This was in the period of time before Peter Brown was there. S-52, pp. 9 - 13. Other concerns were fights, runaways, staff not having control over Youth. S-51, p. 12. Supervisors were informed and other parole officers were also aware of children running the place, children beating up other children and drugs. S-52, pp. 13 - 14. Supervisors were supportive of raising these concerns which were brought up repeatedly. S-51, p. 15.

During the period in 1998 that John Claude Bahrenburg was interim executive director at Haddam Hills, Long Lane School Assistant Superintendent John Watts observed continuing issues with youth and staff behaviors, youth and drugs, youth running away, lack of supervision, some assaults on staff, and always rumors of drugs. Watts would learn this directly from the children since he would talk to all of those who returned to Long Lane School. Watts, pp. 22 - 25. The sense that Watts had was that things got worse when interim executive director Robert Suerken took over. There were still issues with children smoking pot, AWOL, going out the windows, climbing up to the roof to smoke pot, and children threatening to commit suicide, based upon reports from parole officers. Watts, pp. 51 - 53.

Parole Services had monthly staff meetings which included Long Lane Assistant Superintendent John Watts, Program Supervisor Nancy Tudor, parole supervisors and parole officers. S-52, p. 17; S-51, p. 13. The above issues were discussed with supervisors and discussed at the monthly staff meetings for Parole Services. S-52, p. 15. "No one was happy." S-52, p. 20.

Parole officers and supervisors were told by Nancy Tudor that numbers were too high at Long Lane and to use Haddam Hills for placement. S-52, p. 16.

I voiced my opinion about the supervision, they didn't know what they were doing basically as far as dealing with our kids. I voiced my opinion because we were sending some of the worst kids we had at the facility [Long Lane] to Haddam Hills. We sent kids who were very disruptive. The most disruptive kids were being sent to Haddam Hills. It wasn't the kids that were doing real well at Long Lane facility.... It was only kids if they blew out of another placement or discharged they were placed at Haddam Hills because Long Lane was downsizing and we couldn't keep them there."

S-52, pp. 18 - 19.

Concerns were also discussed at weekly supervisors meetings, including concerns about children with busted lips who said staff punched them, children who were strangled, abuse, supervision issues, children walking away when they should have been supervised, and substance abuse on the grounds. S-49, p. 21. There were times when supervisors discussed not placing children at Haddam Hills but were told by John Watts that children had to be placed there, that they were dealing with the problems. S-49, pp. 25 - 27.

Even after Peter Brown took over at Haddam Hills children complained to their juvenile parole officers. There was still a sense of drugs on campus, staffing problems, staff not being in control, children being beaten up. S-52, pp. 27 - 29. Another parole officer described the concerns during this period as failure of supervision and a child running away. S-54, pp. 10 - 11. John Watts describes Haddam Hills Academy as a "major mess" during this period with rumors of children smoking pot, wandering down by the lake unsupervised, and hit squads. Watts, p. 54.

In the fall of 1999 Haddam Hills was discussed frequently at periodic Juvenile Justice meetings. S-35, pp. 38 - 40; S-54, pp. 19 - 20. Concerns expressed were staffing not being up to par, youth being abused by staff, smoking, drugs and supervision. S-54, pp. 19 - 20. John Watts would always say they were handling it and they were working closely with Peter Brown to correct problems. S-35, pp. 38 - 40. Nancy Tudor would say they are working on it. S-54, p. 21. One parole supervisor remembers in the fall of 1999 regularly voicing concerns to Nancy Tudor and never getting a response. S-35, pp. 45 - 46. Haddam Hills was discussed at just about every monthly meeting of parole officers with the same issues coming up and people indicating that something needed to be done about it "all the time." S-51, pp. 17 - 18. One parole officer's view was: "Close them down. I mean, we honestly were screaming to remove our kids from there." S-51, p. 19. John Watts and Nancy Tudor would say that they needed to be supportive, needed to work with them, that they were not going to be shut down. S-51, p. 21.

The January 6, 2000 meeting with all of the parole officers did not lessen the concerns.

Everyone was upset about it. The part that really upset everyone at the meeting is we didn't get a chance to say how we felt about Haddam Hills. I think because they probably thought the meeting was going to get ugly because we were all upset about Haddam Hills and we wanted the place closed and here we are having a meeting support [sic] Peter Brown and this facility, a facility we thought should be closed.

S-52, p. 35.

A parole officer remembers another one getting up at the January 20, 2000 meeting and starting to say that Haddam Hills should be closed but being told to be quiet by Nancy Tudor. S-52, pp. 40 - 41.

During the time period leading up to the meeting, Haddam Hills came up a lot at monthly staff meetings. Parole officers and supervisors said that Haddam Hills should be shut down. No one disagreed. S-52, pp. 36 - 38. John Watts and Nancy Tudor said that they agreed but that there was nothing they could do. S-52, pp. 38 - 39.

A parole officer tried to get a child removed in 2000 for fighting, drugs, alcohol, etc., to get the child into a more secure setting because the child was a danger to others. This parole officer remembered Nancy Tudor deciding that the child stay at Haddam Hills since the facility is still trying to work with the child. S-54, pp. 12 - 14. There was another occasion where John Watts would not approve removing a child back to Long Lane for safety reasons because Peter Brown assured him that they could keep the child safe. S-49, pp. 28 - 34.

Concerns continued to be expressed regarding staffing & supervision, youth getting beat up and youth not feeling safe. S-52, pp. 43 - 44. Haddam Hills was "worst on the list" of facilities that youth were placed in. Improvement was not seen with the youth. S-54, p. 25.

Drugs were still on campus in 2000 and there was no idea how the youth were getting them. S-54, p. 26. Concerns included youth getting high on the roof, supervision, how staff was letting them get there, and blanket parties with some youth jumping other youth at night and beating them up. S-54, p. 27. However, during 2000 John Watts and Nancy Tudor continued to give direction that Haddam Hills beds were to be utilized. S-54, p. 33. Tudor said "we are being told" we need to keep placing youth at Haddam Hills. S-49, p. 36.

Long Lane School Superintendent John LaChapelle remembers that he had around 20 discussions with Rudy Brooks concerning problems at Haddam Hills Academy. Rudy Brooks would say that DCF is addressing it. LaChapelle, pp. 124 - 125. LaChapelle recalls pressure to reduce the size of Long Lane School. LaChapelle, p. 130.

The information resulting from the observations of juvenile parole officers and their interaction with the youth that they are responsible for is very valuable information. It would be even more valuable if DCF had a better system in place for tracking this type of information.<sup>88</sup>

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<sup>88</sup>There were a few occasions when DCF surveyed the juvenile parole officers concerning Haddam Hills Academy. While aggregating this information certainly had value, the surveys were still based upon anecdotal information.

The information presented in this section is largely anecdotal information that we derived from the testimony of several juvenile parole officers and supervisors. We gave it considerable weight since the testimony of the juvenile parole officers and supervisors that were examined is generally consistent. However, this information would be much more usable<sup>89</sup> if DCF had a structured system for documenting the concerns of juvenile parole officers concerning facilities.

Juvenile parole officers are supposed to report suspected abuse or neglect to the Hotline. Other concerns can be raised with supervisors or managers, verbally or in writing. R. Brooks, p. 98. The consequence of this is that only those matters that are referred to the Hotline are tracked — through Hotline's system. Clearly Haddam Hills Academy issues were raised regularly and repeatedly at monthly staff meetings of juvenile parole officers, at weekly supervisors meetings, and on other occasions. However, there is virtually no documentation of any of this. Nor is there any other system in place to track these concerns and aggregate them by facility.

DCF does not presently have an adequate system for tracking concerns about facilities that come to light during the course of the interaction of children with their juvenile parole officers. A system that tracks this information by facility in a meaningful fashion should be implemented.

## **V. MISCELLANEOUS ISSUES.**

We also have a number of miscellaneous concerns in addition to the matters that are discussed above. Our miscellaneous concerns are addressed below.

### **A. IMPROVEMENTS ARE NEEDED IN THE DCF LICENSE APPROVAL PROCESS AND IN THE FORMAT FOR DCF LICENSES.**

In the course of our investigation, we examined all of the DCF licenses that had been issued to Haddam Hills Academy as well as DCF's licensing files for Haddam Hills Academy. During the course of that review, we noted several fundamental flaws in DCF's licensing process that need to be corrected. These involve very basic issues such as license format, records of when licenses are signed, approval sheets, and the issuance of inconsistent licenses. These issues all become clear through a review of the licenses which were in fact issued.

A First Provisional License for 16 males was issued with an effective date of May 28, 1998. The license itself does not indicate the date that it was signed. Ex. 1068.

There is a Second Provisional License for 16 males with an effective date of July 28, 1998. Ex. 1070. There is another Second Provisional License for 25 males with an effective date of August 3, 1998. Ex. 1072. Neither of these licenses indicated the date on which they were signed. Ex. 1070; Ex. 1072. In this case it is clear that Ex. 1072 was issued later.

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<sup>89</sup>Since Haddam Hills Academy has closed and surrendered its license it is no longer necessary to use this information in connection with regulatory oversight of Haddam Hills. However, DCF continues to have oversight responsibilities for numerous other facilities. Documented concerns have much greater weight in taking regulatory action, if necessary, than anecdotal concerns. Accordingly the issue of how DCF tracks this type of information is very much a live issue.

Two Third Provisional Licenses exist. A Third Provisional License for 25 males was issued with an effective date of September 26, 1998. Ex. 1073. Another Third Provisional License for 40 males was issued with an effective date of September 26, 1998. Ex. 1077. Neither of these licenses indicated the date on which they were signed. Ex. 1073; Ex. 1077. It is not possible to ascertain which license was issued first without examining other information. While it is clear that the authorization for 40 males came later than Ex. 1073 if the licensee had more than 25 males at a point between Ex. 1073 and Ex. 1077 the argument could have been made that in light of Ex. 1077 there would have been nothing that DCF could have done about it.

A Fourth Provisional License was issued for 40 males with an effective date of November 25, 1998. This license did not indicate the date on which it was signed. Ex. 1078.

The initial regular License was issued for 40 males with an effective date of May 28, 1998, referring to a stipulated agreement dated July 13, 1999. Ex. 1081. Another regular License was issued for 40 males with an effective date of May 28, 1998. Ex. 1080. Neither of these licenses indicate the date on which it was signed. Ex. 1080; Ex. 1081. As noted earlier in this report Ex. 1081 is the earlier license, although one cannot ascertain this from the licenses themselves. Moreover, both of these licenses authorize 40 beds as of May 28, 1998, a point well before DCF intended to provide such authorization. Minetti, p. 84. It is also clear that neither DCF records nor testimony from many witnesses has produced an adequate explanation as to how that license was issued.

A renewed regular License was issued for 40 males with an effective date of May 28, 2000. This license did not indicate the date on which it was signed. Ex. 1084.

What emerges from a review of the licenses themselves is that DCF issued licenses inconsistent with each other and issued licenses that on their face authorized increases in licensed bed capacity at dates earlier than DCF intended. There should not be different licenses with inconsistent provisions. Blau, p. 92. DCF managers who have had responsibility for licensing were not aware of these problems in the license format until asked about it in the course of our investigation. Blau, pp. 118 - 119; Minetti, p. 81.

Moreover, DCF does not maintain records as to when licenses are actually signed and does not have approval sheets associated with the licenses that are issued or other records of the sign-offs or approvals. Blau, pp. 119 - 120; McPherson, p. 29; Minetti, p. 54. In the absence of such records, there are often instances when it is not possible to ascertain when a particular license was signed or when an increase in licensed bed capacity actually becomes effective. Minetti, pp. 53, 80 - 81.

The solution to these very basic problems in the licensing process is really very simple. First, DCF should develop a system that keeps track of when licenses are actually signed, who approves them, and the date of approval. At the very least this should include a written recommendation as to the license with appropriate narrative discussion of the facility's compliance with all licensing requirements, and, an approval sheet accompanying the recommendation with everyone reviewing the recommendation indicating their action with a date and signature. In addition, the actual format of the license should be changed to at least add the date the license is signed and if the license results in a change in licensed bed capacity or any

other issue the actual effective date of the change, in addition to the signature on the license. If a license is a modification of an earlier license (i.e. an increase in licensed bed capacity within the period of time covered by the license) it would be wise to issue an “Amended Third Provisional License”, for example, rather than an inconsistent license.

It should not be necessary to look to people’s recollection or documentation other than the license itself to ascertain when license provisions became effective. Nor should it be necessary to examine multiple witnesses and try to reconstruct records to ascertain who approved a particular license, such as the regular license for Haddam Hills Academy dropping the stipulated conditions, and when. DCF should maintain all of this information in its licensing files. DCF should make these very basic changes to its licensing process right away.

**B. DCF WAS WRONG IN SUCCUMBING TO PRESSURE FROM HADDAM HILLS ACADEMY TO HAVE A PARTICULAR DCF EMPLOYEE EXCLUDED FROM OVERSIGHT OF HADDAM HILLS ACADEMY.**

During the course of our investigation, we came across evidence that suggested that Haddam Hills Academy had some degree of success in preventing DCF employee Arnold Trasente, widely considered within DCF as an extremely valuable employee,<sup>90</sup> from being involved in early oversight of Haddam Hills Academy. That Haddam Hills Academy had any success was wrong, and another indicator of DCF failing to deal with issues concerning Haddam Hills Academy in an appropriate fashion.

Haddam Hills Academy clearly believed that it had an understanding with DCF that DCF employee Arnold Trasente would not be involved in providing any oversight to Haddam Hills Academy. Interim executive director John Claude Bahrenburg remembers an agreement with Rudy Brooks and Lovie Bourne to keep Trasente away.

A I think shortly after I took over the campus, [Trasente] was removed from the campus by agreement.

Q By who?

A Rudy Brooks and Louvie [sic] Bourne.

Q How did you know they did that?

A Because it was part of an agreement. I said that we wouldn’t close the deal unless that happened.

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<sup>90</sup>Trasente was well regarded at DCF. *E.g.*: Ragaglia, pp. 52 - 53; Gerber, p. 56. His reputation was summed up by Deputy Commissioner Thomas Gilman: “I was very supportive of [Trasente], and I think that everyone at the Department was very supportive of him. He, within the Department ... has a very good reputation, however, its a reputation that includes being demanding of residential programs with whom he works.” Gilman, p. 26. Trasente is viewed as one of the best employees that DCF has involved in program oversight. Ragaglia, p. 53. “I view him as having the ability to evaluate whether a program is working or not working and to identify if it’s not working what the problem is and to identify what the corrective action should be that would address the specific program.” Ragaglia, p. 52.

I do know that as soon as I left the campus ... [Trasente] was back on campus.

I complained to Louvie Bourne and Rudy Brooks that I thought it was -- I was told by them that deal was only so long as I was director.

Q There was a deal that you understood that so long as you were the director there, Arnie Trasenti wasn't to be on campus.

A ... I watched him operate during the time we knew him at Haddam Hills and knew him to be somebody who is a clear representative of the clinical party line, which was not what this program was to be about.

\* \* \*

A What I said was very, very clear. I said that he may be a very nice man and ardently believes in his position, but it is not what this program is supposed to be about, and he is inappropriate in his role here.

Q What did they tell you they did?

A They didn't tell me they did anything. They said he would not be assigned to the campus any longer.

Q Is that something that Louvie Bourne or Rudy Brooks or --

A Both.

Q Both of them said to you?

A Both, and I believe at a joint meeting....

Bahrenburg, pp. 204 - 207.

Albert Brayson II remembers Bahrenburg telling Brayson about this understanding that Bahrenburg reached while Bahrenburg was the interim executive director for Haddam Hills Academy. A. Brayson 6/26/2001, pp. 121 - 122. In fact, minutes of a January 15, 2000 meeting of the Haddam Hills Board of Directors refer to a concern about DCF in light of "our agreement with DCF that one Arnold Trasente, a program executive with DCF would not in any way be involved with the Haddam Hills Academy Program and our discovery that the afore referenced Dr. Tresante as supervisor of the program people assigned to Haddam Hills Academy..." Ex. 118.

Rudy Brooks and Lovie Bourne deny that there was ever such an agreement, but other evidence sheds some doubt on their denials. The evidence suggests that Haddam Hills Academy did have some success in keeping Arnold Trasente away from its campus during a very critical time.

In addition to denying any such agreement, Rudy Brooks stated that he has great respect for Arnold Trasente's work and "will beg and steal Arnie at every opportunity to get him involved in looking at programs with me..." R. Brooks, p. 76, 256 - 257. However, Michael Schultz remembers Rudy Brooks bringing the issue concerning John Claude Bahrenburg and Arnold Trasente to Schultz's attention right at the beginning of DCF's dealings with Haddam

Hills Academy. Schultz, pp. 56 - 57. Schultz recalls Rudy Brooks seeking to have Trasente reassigned, as well as expressing concerns about the chemistry not being good, and of Trasente paying too much attention to detail. Schultz, pp. 87 - 89, 183 - 184.

Lovie Bourne denies being at any meeting where any such agreement was negotiated or discussed. Ex. 1363. But she remembers that in 1998, while he was still interim executive director, Bahrenburg had mentioned the agreement to her. Bourne, p. 121. She did not tell anyone about this in 1998 and does not recall ever raising this issue with anyone else at DCF. Bourne, pp. 122, 124. When asked whether or not she knew if there was an agreement, Bourne responded: "I do not know whether or not there was that agreement, and I did not ask."<sup>91</sup> Bourne, p. 123. Bourne also recalls that Trasente had no further contact with Haddam Hills following a meeting in 1998, being replaced by a DCF licensing employee. Ex. 1363; Bourne, p. 122. James McPherson, the DCF facility inspector for Haddam Hills, also remembered that following the June 12, 1998 meeting Trasente was not around Haddam Hills for a while. McPherson, p. 74.

Michael Schultz met with Trasente around the same time that Trasente wrote his June 6, 1998 memorandum (Ex. 1125) concerning Bahrenburg.<sup>92</sup> Schultz, pp. 183 - 184. Trasente indicated to Schultz that the issues raised in Ex. 1125 were part of a larger problem and in fact reinforced the need to be more involved. Schultz, pp. 183 - 184. However, Trasente felt he could not be effective in providing technical assistance since it was not going to be received. Ex. 1125; Trasente, p. 55. Trasente discussed with Michael Schultz that he did not want to be involved with this technical assistance which was accepted by Schultz. Trasente, p. 190. Schultz discussed with Trasente bringing other DCF people in to work with Haddam Hills. Schultz, pp. 91, 183 - 184. Schultz also discussed these concerns with Deputy Commissioner Stacey Gerber and Bureau Chief Gary Blau. Schultz, pp. 95, 314 - 315. Gerber felt that Trasente should continue to be involved, but that he should have a team with him.<sup>93</sup> Schultz, pp. 316 - 319.

The bottom line was that Haddam Hills Academy raised issues concerning Arnold Trasente and succeeded in having Trasente excluded from Haddam Hills Academy oversight for a period of time including the start up of Haddam Hills. This occurrence suggests that DCF allowed itself to succumb to inappropriate influence.

We are not suggesting in any way that DCF licensed facilities should not address with DCF management concerns that may exist with respect to particular DCF employees. Facilities should certainly feel free to do so. There may well be circumstances (i.e. employee misconduct) that justify intervention by DCF management in reassigning or taking other action concerning an employee. However, reassigning a DCF employee — especially one with a good reputation and believed by DCF management to be very diligent — who was only doing his job as best he could

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<sup>91</sup>Lovie Bourne clearly had timely knowledge, in 1998, of the claim by Haddam Hills Academy to an agreement to exclude a particular DCF quality management employee from oversight of Haddam Hills Academy. Since an agreement of this sort is highly suspicious Bourne should have brought it to the attention of superiors at DCF.

<sup>92</sup>The memorandum is discussed in an early section of this report. The memorandum described personal verbal attacks directed towards Trasente by Haddam Hills Academy interim executive director John Claude Bahrenburg. Ex. 1125.

<sup>93</sup>Gerber does not recall this issue coming up until a meeting in 2000. Gerber, p. 54. After the meeting she spoke with Rudy Brooks, Lovie Bourne and Gary Blau. None of them indicated to her knowledge of any such agreement. Gerber, pp. 54, 57.

is inappropriate and has the appearance of Haddam Hills Academy trying to manipulate DCF oversight in order to serve its interests.<sup>94</sup>

## **VI. THERE IS A BROAD CONSENSUS AMONG PERSONNEL AT DCF THAT MANY MISTAKES WERE MADE IN DCF'S INTERACTION WITH HADDAM HILLS ACADEMY.**

Numerous DCF personnel — from line staff to the highest level managers — expressed to us the view that DCF made numerous mistakes in its oversight of Haddam Hills Academy. Especially striking is the similarity in viewpoints. The issues perceived by DCF personnel relate to lack of communication and focus, laxity in responding to regulatory concerns and undue reliance on the perceived skills of facility executive directors.

First and foremost, numerous DCF personnel at various levels acknowledged that internal communication at DCF was very weak. *E.g.*: R. Brooks, pp. 306 - 307; De Matteo, pp. 96 - 97; Ragaglia, pp. 140 - 141; Trasente, pp. 392 - 394. This concern was articulated by Bureau Chief Rudy Brooks in noting: “I think there is a breakdown in communication amongst, among others, a couple of bureau chiefs including myself.” R. Brooks, p. 112.

After DCF finally initiated the proceedings to revoke the Haddam Hills Academy regular license, there was a lot of discussion at DCF about what went wrong, what went right, what could have been done better. Gilman, pp. 158 - 160. The Commissioner's program update committee grew out of that discussion. Ragaglia, pp. 26 - 27; Gilman, pp. 158 - 160. This process of communication is more formal.<sup>95</sup> Gilman, pp. 167 - 168.

There was clearly a problem with DCF as an institution failing to focus on problems at Haddam Hills Academy that required attention. Several DCF personnel identified the reason: a lack of successful experience in dealing with programs that had problems. *E.g.*: Blau, pp. 400, 449 - 451; R. Brooks, pp. 229 - 230; McPherson, pp. 199 - 200; Trasente, p. 395. “You are so invested in making a program happen that you need somebody who is able to step back and take a look at something objectively, look at the larger picture, to coordinate, you know, the quality assurance and integrity of the program.” R. Brooks, p. 304. As Deputy Commissioner Thomas Gilman summed it up: “It's focus. If you focus on it, it will get done efficiently and well, but you have to decide how you're going to spend your time and on what you're going to focus.” Gilman, p. 169. With focus also comes the need for objectivity:

... I particularly think that the strength of oversight of an independent Quality Management function is critical. And I think that that was probably one of the areas that we should have demonstrated greater leadership at the time.

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<sup>94</sup>While Arnold Trasente, as a Ph.D. and a licensed psychologist whose career has been devoted to issues involving children, has professional skills that could have been utilized very effectively in the early days of Haddam Hills Academy, his absence from oversight and technical assistance during this early period did not render DCF incapable of figuring out what was going on and acting. In fact, as noted earlier in this report, the DCF personnel who were involved in Haddam Hills Academy documented numerous concerns but DCF management failed to take appropriate action based upon the considerable information that was gathered.

<sup>95</sup>However, as noted earlier in the report, the principles that underlie this committee were initially implemented in 1998, only to succumb to lack of managerial attention.

Blau, p. 451.

Many DCF personnel recognize the need for DCF to have acted sooner and more aggressively. At a very fundamental level this starts with DCF management having failed to give licensing personnel appropriate guidance and direction. Licensing staff did not perceive a clear standard for compliance and noted that “the past practice of licensing was to perform a licensing inspection, write a report, and then send a license.” McPherson, pp. 199 - 200. Rather, DCF should have insisted on an acceptable program description and clinical staff at the time Haddam Hills opened. Gilman, pp. 171 - 172. Revocation should have been considered and initiated in 1999. Gilman, p. 166.

Some DCF personnel thought that DCF failed in its responsibility. Licensing and Hotline staff shared this view. The licensing inspector for Haddam Hills Academy noted:

From my perspective no we should have followed through with a recommendation that the issues that were highlighted raised serious doubt as to the ability of the facility to safely take care of children, and we should have followed through with the revocation process. At that time I think we had sufficient information to say that this program can't get it together to safely care for kids and hasn't been able to do so for a period of months, and we should have proceeded.

McPherson, p. 220.

To staff, the experience felt strange, unclear and confusing for a 20 month old facility to go from a provisional license into a corrective action plan into a regular license with stipulated agreement one year into the operation to a consensus to revoke the license in January 2000 and then back to another corrective action plan. McPherson, p. 220. The Hotline Director said: “Had we stuck with our original belief that they only would have a license if they kept working in conjunction with the stipulated agreement, we wouldn't even had had to have much discussion in December of 1999 or January 2000...” Mysogland, p. 280.

My concerns would be why this place was licensed to begin with to be honest.... It was not up to standard when it received the license with a hope that it would improve. And it was consistently a problematic program.

English, pp. 31 - 32.

There was a view at DCF in the past that everyone could get better — that the agency could fix anything with enough attention. De Matteo, pp. 102 - 103. DCF managers now recognize that DCF should have been more aggressive sooner and should have been more demanding. E.g.: Gilman, pp. 161 - 162; De Matteo, p. 97, 101.

Bureau Chief Gary Blau summed this up as follows:

So I guess it is my long-winded way to tell you that I think you or others have some reasonable sense of the need for the Department to take faster and stronger actions. And I think that we have learned from that more recently. And that is the positive thing.

The negative side of this is at this time, given that even to some extent this was my first experience with something like this, we did not have that level of strength during that period. And I think that that is a valid criticism. And I hope that more recently that is no longer a valid criticism. I want to be upfront about that.

Blau, p. 400.

Finally, there is a clear sense that DCF placed undue weight on the professional reputation and perceived skill of Haddam Hills Executive Director Peter Brown. *E.g.*: R. Brooks, pp. 309 - 311; Blau, 402 - 403; Gilman, p. 173. Even a great executive director cannot compensate for a program that is very poor and needs to be addressed and vice versa. Blau, pp. 402 - 403. A facility needs both leadership and program. Gilman, p. 174; R. Brooks, pp. 309 - 311. Haddam Hills had neither.<sup>96</sup>

With the benefit of hindsight, personnel at DCF have come to recognize many shortcomings in DCF's interaction with Haddam Hills Academy. These views are entirely consistent with many of the findings in our report. Tragically, many children were at risk at Haddam Hills for years before this realization.

This is not a good process. It just wasn't a good process. I freely admit that. It would not happen today.

R. Brooks, p. 85.

Many of the same DCF managers who now acknowledge these shortcomings were unable to recognize the problems as events were unfolding, even while numerous DCF personnel were diligently performing their jobs and documenting numerous concerns. What should DCF do to help ensure that a Haddam Hills Academy fiasco never happens again?

## **VII. FINDINGS & RECOMMENDATIONS.**

This analysis documents serious, deeply entrenched problems at the Department of Children and Families. In failing to provide adequate oversight of youth at Haddam Hills Academy, DCF neglected its mission.

The mission of the Department of Children and Families is to protect children, strengthen families and help young people reach their potential. To achieve these goals DCF must intervene to protect youth who are abused and neglected. DCF is charged by law with providing child protection services, juvenile justice services, mental health services, substance abuse related services, prevention and educational services for children. The juvenile justice system is supposed to provide treatment for juvenile offenders whose rehabilitation is a priority, indeed more important than punishment.

This report demonstrates DCF's abject failure to assure that the needs of youth at Haddam Hills Academy were met or even that such youth were safe. Haddam Hills Academy

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<sup>96</sup>Many at DCF believed that Peter Brown would be a great executive director and overlooked many serious problems at Haddam Hills Academy believing that Peter Brown would straighten the facility out. However, the many problems that continued at Haddam Hills Academy demonstrate that this confidence was seriously misplaced.

was unable to provide a safe and secure treatment environment. DCF failed to take responsibility, and hold Haddam Hills staff accountable.

Several themes emerge from our analysis of DCF's interaction with Haddam Hills Academy. Accordingly, we make the following recommendations:

**1. The Department of Children and Families should critically scrutinize and reevaluate the suitability and fitness of the principles and staff of Haddam Hills Academy to engage in any other DCF licensed activity within the State of Connecticut.**

During the entire time that Haddam Hills Academy operated, numerous Connecticut children were subjected to abuse and neglect. Although DCF personnel raised these concerns with the officials at Haddam Hills, their repeatedly expressed concerns were ignored. The breach of duty by Haddam Hills officials was alarming and appalling. Abuse and neglect of children entrusted to their care calls into question their fitness and suitability to hold similar positions or perform similar duties at other DCF licensed facilities. Haddam Hills Academy has been closed permanently, but many of the individuals affiliated with Haddam Hills continue to be affiliated with the Lake Grove at Durham facility. In light of the information contained in this report, DCF should closely and critically scrutinize and reevaluate the suitability and fitness of the officials of Haddam Hills Academy to engage in DCF licensed activity within the State of Connecticut and to continue to do business in connection with any other entity, specifically including Lake Grove at Durham.

**2. The Department of Children and Families and the Child Advocate should consider potential legal action on behalf of children who suffered harm as a result of abuse or neglect at Haddam Hills Academy.**

Children at Haddam Hills Academy suffered abuse and neglect throughout the several years that Haddam Hills operated. DCF and the Child Advocate should review records of the children who were placed at Haddam Hills Academy and commence legal action on behalf of those children against the individuals responsible for the abuse and neglect they suffered.

**3. The State of Connecticut should pursue all possible avenues for recovering the money the State paid Haddam Hills Academy and related persons or entities for their failure to properly care for the children entrusted to them.**

The State of Connecticut paid Haddam Hills millions of dollars to provide care for the children placed there. Clearly, neither the State nor the children at Haddam Hills received the benefit of care to which they were entitled. The State should pursue all possible avenues for recovery from Haddam Hills and related persons or entities of the money paid to them.

**4. The State of Connecticut should pursue action against Haddam Hills Academy for retaliation against its own employees who raised concerns about mistreatment of children at the facility.**

Under Conn. Gen. Stat. §17a-101e the State of Connecticut has the authority to bring legal action against an employer who retaliates against an employee for providing information to the Department of Children and Families. There is clear evidence that Haddam Hills Academy

retaliated against employees who raised serious concerns about mistreatment of children entrusted to it. Accordingly, the Attorney General will institute action against the individuals responsible for such retaliation pursuant to Conn. Gen. Stat. § 17a-101e.

We are mindful of the fact that employees who were subject to retaliation, Bonnie Brower and Gary Berte, have each separate legal actions against Haddam Hills Academy.<sup>97</sup> Accordingly, we will consult with their counsel to ensure that any action we take is properly coordinated with their pending actions.

**5. The actions of officials and employees of the Department of Children and Families should be reviewed to determine whether or not disciplinary action is warranted.**

While some DCF employees acted admirably by documenting and reporting critical information, clearly many failed to do so. The failure of DCF officials and employees to take timely and appropriate action to protect the children in their care suggests incompetence, mismanagement or misconduct. In light of the findings of this report, the actions of officials and employees of the Department of Children and Families should be reviewed to determine whether disciplinary action against them is warranted.

**6. Licensing and oversight of facilities serving children should be truly independent from DCF functions associated with program development and program administration in order to ensure that DCF decision making is objective.**

DCF had divided interests and loyalties in overseeing Haddam Hills Academy. The Bureau of Juvenile Justice was under a great deal of pressure to address overcrowding concerns at Long Lane School. The Bureau of Juvenile Justice actively supported opening Haddam Hills to provide opportunities for placing youth from Long Lane School. The Bureau of Juvenile Justice played a significant role in licensing Haddam Hills, and in providing technical assistance and program oversight, especially in the early days. The Bureau of Quality Management, which was supposed to be performing the licensing and program oversight functions, deferred substantially to the Bureau of Juvenile Justice.

The blurred, divided responsibilities within DCF clearly operated to the detriment of the best interests of children. The quality management functions at DCF — especially licensing and program review — were not performed independently. The Bureau of Quality Management deferred to the Bureau of Juvenile Justice, ignoring serious problems, which should have resulted in prompt, decisive action. With truly independent oversight, such problems would have been reported and corrected. Although executive staff at DCF, including Commissioner Ragaglia, were specifically informed of some of these problems, and certainly had sufficient information to inquire further, DCF failed to preserve the independence of regulatory oversight and repeatedly failed to exercise good judgment in deciding what to do at Haddam Hills Academy.

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<sup>97</sup> As noted in the body of the report, Bonnie Brower has prevailed in a trial against Haddam Hills Academy. That judgment is currently on appeal. She also has another case pending against some of the persons and entities related to Haddam Hills Academy. Gary Berte's action against Haddam Hills Academy and related persons and entities is still pending.

At this point, steps should be taken to ascertain how to most effectively separate licensing and program oversight duties from other DCF functions in order to ensure independence —so that state officials entrusted with licensing and program oversight responsibilities are not unduly influenced by any other interests. In some states, such as Massachusetts, licensing and program oversight functions have been split from child welfare agencies and assigned to other agencies with oversight responsibilities. We are not advocating any particular model here; all options should be explored.

The goal is a truly independent licensing and program oversight structure. This goal should be a priority.

**7. The Department of Children and Families should clearly articulate to facilities serving children what DCF expects the programs to provide and then enforce those expectations.**

Haddam Hills Academy was allowed to open by DCF without any request for proposal for placing youth from Long Lane School and without any needs assessment for such youth. In fact, at the time Haddam Hills Academy opened, there were no clinical services and no acceptable program description.

Facilities are already required by law to provide for the needs of youth. Of particular significance is Regulations of Connecticut State Agencies § 17a-145-63 which provides, that “[e]ach facility shall provide the staff and complementary services to enhance the physical and emotional well-being and ensure the safety of the children.” Facilities are also required to provide “psychiatric and psychological services as needed”. Regulations of Connecticut State Agencies § 17a-145-93. Written treatment plans are required for each child. Regulations of Connecticut State Agencies § 17a-145-94. DCF needs to implement and enforce these legal requirements in a meaningful way.

A starting point is to understand who is to be served. When DCF is seeking to utilize a program, it should first assess the needs of the youth to be placed. DCF should also adhere to its supposedly standard practice of issuing requests for proposals.

DCF should clearly articulate its expectations to programs in license and contract provisions, and written treatment plans for each child. Then, DCF should enforce those expectations and demand nothing less than high quality performance.

All treatment providers must be held accountable for meeting the needs of youth in their care. DCF must ensure that facilities provide high quality treatment, care and supervision. If a facility fails to meet this standard, children should be removed from the facility.

**8. The management structure and protocols for internal communication at the Department of Children and Families should be revamped so timely and accurate information is presented to responsible managers.**

The experience of the Department of Children and Families with Haddam Hills Academy reflects a serious management failure: managers simply did not interact with each other properly.

The Director of the DCF Hotline should not have needed to demand a meeting with the Commissioner in April 2001 to address long standing concerns about Haddam Hills — out of frustration with other DCF managers refusing to address his concerns. The managers in the Bureau of Quality Management should have been alarmed by this information from the moment they received it. Instead, they improperly neglected the concerns that were brought to their attention.

There was more than ample information available to DCF to show: (1) DCF should not have allowed Haddam Hills Academy to open at the end of May 1998; (2) DCF should have properly investigated and followed up on concerns raised in the summer of 1998 by the former principal at Haddam Hills Academy; (3) DCF should have provided more effective oversight to Haddam Hills Academy in 1998; (4) DCF should have taken decisive enforcement action following the Hotline report concerning the “hit squads” at Haddam Hills Academy in May 1999; (5) DCF should not have approved a regular license in July 1999; (6) DCF should not have dropped the conditions on the regular license in July 1999 just a few weeks after the issuance of the license; (7) DCF should have immediately investigated concerns that arose at the end of 1999 about an internal DCF e-mail being faxed from Long Lane School to Haddam Hills Academy; (8) DCF should not have renewed the regular license for Haddam Hills Academy at all in 2000, let alone early; (9) at numerous points DCF should have taken enforcement action on the license; (10) the 2001 investigation and report of the Special Review Unit should have addressed all issues within the scope of the investigation and included all information revealed through the course of the investigation.

In short, various components of DCF interacted very poorly or not at all. Critical information did not always reach the right place. Even when information did reach the right place, it was not always taken seriously or was ignored. Senior managers and DCF executive staff had sufficient information to know that there were serious problems at Haddam Hills, but often they failed to inquire further. Changes should be made, where necessary, to ensure that timely and accurate information is presented to responsible managers and that action is taken.

**9. The Department of Children and Families should not issue regular or provisional licenses to facilities that do not meet all applicable licensing requirements.**

Without exception, licenses should not be issued to facilities that fail to meet all applicable licensing requirements. Although such a recommendation may appear to be unnecessary, unfortunately DCF issued a number of licenses when managers knew that Haddam Hills Academy was out of compliance with highly material licensing requirements.

DCF licensing is governed by Conn. Gen. Stat. §17a-151(a). DCF regulations require, that “[e]ach facility shall provide the staff and complementary services to enhance the physical and emotional well-being and ensure the safety of this children.” Regulations of Connecticut State Agencies § 17a-145-63. This standard is appropriately high. Since a regular license lasts for a two year period, this standard needs to be satisfied at least once every two years.<sup>98</sup> If a facility cannot meet this standard, it simply should not be granted a license. DCF certainly should not

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<sup>98</sup> Of course, DCF needs to provide oversight on an ongoing basis. If a facility falls out of compliance during the period covered by the license DCF can and should take appropriate action to ensure that the best interests of the child are served.

issue a license in a misguided belief that a facility or facility director “deserves” to try to turn the facility around, as was the case with Haddam Hills.

The same approach should apply to provisional licenses. Under Connecticut law, a provisional license is not a tryout period, allowing DCF to treat the facility as a work in progress. While DCF can and should aid new facilities, and is well equipped to give them considerable technical assistance, such aid has no real bearing on the licensing standard. Under Conn. Gen. Stat. § 17a-151(a) provisional licenses may be issued for a period not to exceed sixty days, renewable for up to one year, where an applicant, notwithstanding good faith efforts, is not able to fully comply with all licensing requirements, “but compliance can be achieved with minimal efforts.” The elements of the statute are clear: (1) the applicant must make a *good faith* effort to comply with all licensing requirements; and, (2) even though the applicant is not able to achieve compliance with all licensing requirements, *compliance can be achieved with minimal efforts*. In other words, a facility needs to be exceedingly close to compliance, after making good faith efforts. Anything less simply does not qualify for a provisional license. Of course, an applicant denied a provisional license can continue to work with DCF to reach the point warranting licensing.

Licensing is not a minimum threshold. It is an exacting, rigorous endeavor that is supposed to ensure that a facility properly serves the needs of the children placed there. DCF should diligently enforce *all* of the applicable legal requirements for licensure.

**10. DCF should modify the licensing process in order to improve the license format and record keeping with respect to licenses.**

There are fundamental flaws in DCF’s license format, approval and record keeping process. This investigation was unable to ascertain the actual dates of some of the licenses issued to Haddam Hills. Some licenses were inconsistent on their face.

DCF must develop a system to scrupulously track the dates when licenses are actually approved, who approves them, and other critical details. At the very least, there should be a written recommendation as to the license with appropriate narrative discussion of the facility’s compliance with all licensing requirements, and an approval sheet accompanying the recommendation with everyone reviewing the recommendation indicating their action with a date and signature. In addition, the actual format of the license should be changed to add the date the license is signed and any change in licensed bed capacity or other issues, with the actual effective date of the change. If a license is a modification of an earlier license (i.e. an increase in licensed bed capacity within the period of time covered by the license), DCF should issue an “Amended Provisional License”, rather than an inconsistent license.

**11. The Department of Children and Families should develop a long term planning unit that operates separately from program administration.**

No meaningful planning or needs assessment was done for youth placed at Haddam Hills. The agency failed to follow its normal practice of soliciting requests for proposal, there were no clear goals for the facility, no detailed description of the types and amount of services to

provided, no understanding of the needs of the youth to be served, and no assessment of services needed.

Critically lacking was an adequate program description. DCF should have undertaken a comprehensive analysis, on an ongoing basis, of the needs of youth under its supervision at this facility — and all others — as well as future trends with respect to such needs. This exercise should be part of a systematic long-term planning effort, integral to anticipating and meeting the needs of young people at risk.

A meaningful planning function should be separate and independent from those divisions of DCF responsible for program administration. DCF's experience with Haddam Hills Academy demonstrates that decision-making suffers when the pressures of the day drive functions that should be independent. Proper long term planning involves careful assessment of future needs, matching those needs to existing programs and ascertaining what change is needed in order to serve the needs of children.

Budgetary challenges do not justify a failure to plan. Indeed, resources are more likely to be forthcoming in response to a persuasive plan.

## CONCLUSION

For all of the foregoing reasons we conclude that the Department of Children and Families failed in its obligations to protect children placed at Haddam Hills Academy. The Department of Children and Families, and numerous members of its executive staff and management had very substantial information throughout the entire existence of Haddam Hills Academy that should have led to decisive action much sooner. Appropriate steps, such as those outlined in our recommendations, should be taken immediately to ensure that children are properly protected in the future.

Dated at Hartford, Connecticut, this the 30<sup>th</sup> day of May, 2002.

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Richard Blumenthal  
Attorney General

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Jeanne Milstein  
Child Advocate