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A Child Dies in State's Custody

By RICHARD WEIZEL

A MONTH after her 11-year-old son Andrew died of traumatic asphyxia while staff members were restraining him in a padded room at the Elmcrest Psychiatric Center in Portland, Lucinda McClain is still waiting for the state to tell her how and why the tragedy happened.

All the Bridgeport mother has known is that Andrew, with a history of behavior problems and taken into state custody two years ago, was crushed to death on the morning of March 22 as health-care workers held him face down and applied what is known as a basket hold.

"How can I explain to my other children what happened to their brother when I don't even know?" asked Ms. McClain, who has two other sons, ages 9 and 10, and 6-year-old twin girls.

The children, all taken into the custody of the state two years ago, have been returned to their mother. Andrew was scheduled to return to his family in June.

"Andrew was under five feet tall and weighed less than 90 pounds, so I don't understand why it took two adults sitting on him from behind to restrain him," said Ms. McClain.

The state's Department of Children and Families, the Department of Public Health and the Portland Police Department are conducting an investigation into the child's death. The two health-care workers who restrained Andrew have not been identified by officials; they are on medical leave, says Michael Suchopar, vice-president of operations at Elmcrest.

Mr. Suchopar, in a statement released last week, said that Elmcrest was still sorting out what happened to Andrew and was in the process of training all staff members in cardiopulmonary resuscitation, which had not been required by the state.

He said the hospital has discontinued the use of the basket hold, and would better monitor restraint holds in the future.

"We do not know all of the details of what happened to Andrew McClain," said Mr. Suchopar, "but the entire Elmcrest staff is saddened by this loss, and we share in the grief of the family.

"Because the police and the medical examiner's investigations are incomplete," he continued, "we have not had access to those investigations, and, on the advice of their attorneys, the staff members involved have not been able to talk with us beyond brief interviews given on the day of the tragedy."

The Department of Children and Families and the Department of Public Health are investigating conditions at Elmcrest, a 60-year-old private psychiatric hospital. The center, which is now under 24-hour monitoring, has agreed to stop accepting new patients until the outcome of the investigation into Andrew's death. State officials said the hold used on Andrew -- individuals being restrained are held face down on the floor with their arms wrapped around their chests and their wrists held by someone over them -- is the same method that resulted in the death last year of 12-year-old Robert Rollins, who was also in state custody.

Because of the two deaths, the hold has been banned for the time being at all state centers by Kristine Ragaglia, the commissioner of the state's Department of Children and Families.

And now two panels -- one appointed by Ms. Ragaglia and the other headed by the state's new child advocate, Linda Pearce Prestley -- are reviewing not only the circumstances surrounding the two children's deaths but also the policy, procedures and training regarding restraint holds and whether these holds put children at too great a risk.

"We've got to get some answers and come up with a statewide policy on therapeutic restraint holds, and quickly," said Ms. Ragaglia, who has appointed a 50-member panel to examine restraint procedures and propose alternatives that can be incorporated into a statewide policy.

Currently, there is no official state policy in place regarding therapeutic holds.

While some have suggested that the deaths occurred because the method was improperly applied in both cases, and though it has been used thousands of times without incident, Ms. Ragaglia says she doubts the face-down basket hold will ever be sanctioned in Connecticut again.

"Whether an aberration or not, when you have the deaths of two children, you have to question the wisdom of using that particular hold when there are so many other ways to restrain someone," said Ms. Ragaglia. "I wish I could say that restraint holds were never needed, but the truth is that when children, and even adults, are out of control and are in a position to harm themselves and others, as a last resort the holds must be used."

Ms. Prestley -- who heads the Child Fatality Review Panel established in 1995 by the state legislature to investigate these types of deaths involving children -- said her panel is investigating Andrew's death. The panel includes the Chief State's Attorney, John Bailey; the Chief State Medical Examiner, Wayne

Carver, and the Farmington Police Chief, Leroy Bangham.

Ms. Ragaglia said that review panel's recommendations would be incorporated into her panel's review process. "This was a terrible tragedy that raises many questions about restraint holds: how they are used, what kind of training is being provided and who should be legally entrusted to use them," said Ms. Prestley.

Her panel will be meeting later this week with experts from Cornell University who train health-care workers in crisis intervention and management, which includes the use of restraint holds.

Ms. Prestley said that while she supported the decision by Ms. Ragaglia to ban the basket hold temporarily, she was concerned about how health-care workers would react in situations where some kind of restraint was necessary. "When a child is so out of control that he or she is about to hurt themselves or someone else, it can be just as dangerous, even more dangerous, not to use some kind of restraint method," said Ms. Prestley. "You can't completely ban the holds, because that would endanger far more children's lives than the few who have tragically died as a result of their use."

No national surveys or statistics appear to be available on how many children or adults have been injured or killed as a result of such holds. They say that policies regarding the methods are sorely lacking and that the two Connecticut deaths may indicate that it's time to develop national as well as state standards.

Dr. Betty Spivak, a child abuse expert in West Hartford who is a member of the review panel, said "We're going to have to define how and when holds are used and develop strict training guidelines that clearly delineate who can use these holds and under what specific circumstances and conditions." Dr. Spivak said that she also expects the panel to review the entire process that led up to Andrew's being placed at Elmcrest, including why he was placed there when he was due to be reunited with his family in June.

"The restraint issue is of course a very crucial one," said Dr. Spivak. "But it would be a mistake and negligent of us to only focus on the final 10 or 15 minutes of this little boy's life. We must determine how and why he came to be at Elmcrest, who made those decisions and whether they were the best decisions for him."

Dr. Marijke Kehrhahn, facilitator of the 50-member panel appointed by Ms. Ragaglia, said that her group is studying a wide range of the state's restraint policies and procedures, reviewing policies and procedures at psychiatric centers and hospitals, and would develop a statewide policy and establish a quality improvement protocol.

"We're facing a very daunting and ambitious 30-day task, but we've got to develop real boundaries regarding the use of therapeutic holds because something is clearly going wrong," said Dr. Kehrhahn, a professor of adult and vocational education at the University of Connecticut, and a former director of

staff development for the state's Department of Mental Retardation, which also uses restraint holds.

Vincent Trantolo, the Bridgeport lawyer representing the McClain family, said that "This was as shocking a death as the state has ever seen, and I am appalled as both a citizen and parent.

"I can't imagine any situation that would require an adult sitting on a child and holding him face down while crushing his chest and interfering with his ability to breath.

"The family just wants to find out what happened to Andrew and make sure this method is never used on a child again."

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