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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

ELIZABETH HERTEL
DIRECTOR

July 13, 2022

Susan Mitchell
Samaritas - Southwest
4341 S Westnedge ST 2000
Kalamazoo, MI 49008

RE: License #: CB390258392
Investigation #: 2022C0212018
Samaritas - Southwest

Dear Ms. Mitchell:

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

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

If you desire technical assistance in addressing these issues, please feel free to contact me. In any event, the corrective action plan is due within 15 days. Failure to submit an acceptable corrective action plan will result in disciplinary action.

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

Please review the enclosed documentation for accuracy and contact me with any questions. In the event that I am not available and you need to speak to someone immediately, please contact the area manager at (616) 204-6992.

Sincerely,

A handwritten signature in cursive script, appearing to read "Heather Reilly".

Heather Reilly, Licensing Consultant
MDHHS\Division of Child Welfare Licensing
22 Center Street
Ypsilanti, MI 48198
(734) 660-8309

enclosure

**MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD WELFARE LICENSING
SPECIAL INVESTIGATION REPORT**

I. IDENTIFYING INFORMATION

License #:	CB390258392
Investigation #:	2022C0212018
Complaint Receipt Date:	06/06/2022
Investigation Initiation Date:	06/07/2022
Report Due Date:	08/05/2022
Licensee Name:	Samaritas
Licensee Address:	8131 East Jefferson Ave Detroit, MI 48214-2691
Licensee Telephone #:	(313) 823-7700
Administrator:	Susan Mitchell
Licensee Designee:	Ann Meldrum, Designee
Name of Facility:	Samaritas - Southwest
Facility Address:	4341 S Westnedge ST 2000 Kalamazoo, MI 49008
Facility Telephone #:	(269) 345-5776
Original Issuance Date:	12/09/2003
License Status:	REGULAR
Effective Date:	05/15/2022
Expiration Date:	05/14/2024
Capacity:	Unknown
Program Type:	CHILD PLACING AGENCY, PRIVATE

II. ALLEGATION

	Violation Established?
On 6/4/22, staff member (Staff 1) asked 18-year-old youth (Youth A) inappropriate questions and rubbed youth's legs. Staff member then forced this youth's head on their penis and ejaculated into youth's mouth. Staff member has had inappropriate conversations with this youth in the past.	Yes

III. METHODOLOGY

06/06/2022	Special Investigation Intake 2022C0212018
06/07/2022	Special Investigated Initiated- Telephone call with DHHS.
06/07/2022	Contact - Telephone call received, Assigned DHHS staff
06/07/2022	Contact - Document Sent, Email with assigned DHHS staff
06/07/2022	Contact - Telephone call made, Agency Chief Administrator
06/07/2022	Contact - Document Received, Received police report
06/09/2022	Contact - Face to Face, Conducted on-site interviews
06/14/2022	Contact - Face to Face, Interviews, and documents on-site
06/14/2022	Contact - Telephone call made, Attempted phone call with Staff 1, no response
06/28/2022	Contact - Email with PM regarding exit
06/29/2022	Contact - Telephone call made, Phone interview with Staff 1
06/30/2022	Contact - Telephone call made, Case conference with DHHS
06/30/2022	Inspection Completed-BCAL Sub. Compliance
07/06/2022	Contact - Telephone call made, Case review with DCWL Area Manager
07/08/2022	Contact - Document sent, Email with PM & CA to schedule exit
07/12/2022	Contact - Telephone call made, Pre-exit with CA and PM

ALLEGATION:

On 6/4/22, staff member (Staff 1) asked 18-year-old youth (Youth A) inappropriate questions and rubbed youth's legs. Staff member then forced this youth's head on their penis and ejaculated into youth's mouth. Staff member has had inappropriate conversations with this youth in the past.

INVESTIGATION:

Complainant

Phone contact occurred with Complainant on 6/6/22. Complainant reported Youth A resided in the Independent Living Plus (ILP) house. Youth A reported the following to Complainant: Staff 1 arrived at the house on 6/4/22 for his overnight shift. Youth A was sitting on the couch. Staff 1 went in and began asking inappropriate questions and rubbing Youth A's leg. Staff 1 took his penis out and forced Youth A to perform oral sex. After it was over, Youth A was shocked and sat on the couch. Staff 1 went to the bathroom, then came back to sit with Youth A. Youth A then got up and left.

Youth A told staff about the incident the following day. Youth A also reported Staff 1 indicated a relationship with someone else at his other job. However, no details were known about this other person. Law Enforcement and DHHS were notified. At the time the report was filed, Staff 1 was not scheduled to work until a week later.

Chief Administrator and Program Manager

On 6/7/22 a phone call was attempted with Chief Administrator (CA). However, CA was out of the office. On 6/7/22 contact was made with Program Manager (PM), who expressed CA was out of the office for a few weeks. PM was advised of the investigation.

DHHS

On 6/7/22 contact occurred with the assigned DHHS worker. DHHS reported an investigation would be opened to determine if abuse occurred with any minors in the independent living placement home. However, as Youth A was 18 years old, the investigation would not focus on her. DHHS worker reported speaking with a supervisor at the agency, who stated Staff 1 admitted to the contact with Youth A, however he portrayed the incident as consensual. DHHS worker stated Staff 1 had resigned his position with the agency and an unannounced visit would be attempted at Staff 1's home to complete an interview. DHHS reported Law Enforcement (LE) had already completed their report and a copy would be provided to DCWL.

Youth A

On 6/9/22 DHHS conducted an in-person interview of Youth A, with DCWL on the phone. An in-person interview was later conducted by DCWL on 6/14/22. Youth A reported moving to the home in March 2022. Youth A described the incident as reported in the allegation. Youth A clarified the inappropriate conversation initiated by Staff 1 included asking her about her dating habits, sexual activity, and becoming "friends with benefits". Youth A reported Staff 1 forced her to perform oral sex on him for approximately five minutes. Youth A stated there were no witnesses as everyone else was downstairs when it happened. Youth A was asked for clarification about Staff 1's comment of having a relationship with someone at his other job. Youth A reported she did not know what the other job was or who he was talking about.

Youth B

On 6/9/22 DHHS conducted an in-person interview of Youth B, with DCWL on the phone. Youth B denied any knowledge of Staff 1 acting inappropriately. Youth B never observed or heard anything regarding this allegation.

Youth C

On 6/9/22 DHHS conducted an in-person interview of Youth C, with DCWL on the phone. Youth C denied hearing or observing any inappropriate conduct by Staff 1. Youth C stated she was familiar with Staff 1 and did not believe he could force Youth A to do anything physically, due to their size difference. Youth C further stated she felt Youth A was not being fully truthful about the incident, as she was telling everyone at the house about it and almost sounded like she was bragging.

Staff 1

On 6/9/22 DHHS conducted an unannounced in-person interview of Staff 1. An in-person interview was later conducted by DCWL on 6/29/22. In both interviews, Staff 1 reported engaging in sexual activity with Youth A. Staff 1 stated he knew he should not talk with Youth A about sexual things or engage in this behavior. However, Youth A was very persistent and kept talking with him about her sexual preferences. This conversation went on for about a week prior to the actual contact. On 6/4/22 Staff 1 arrived at the house and found Youth A upstairs in the living room. The other youth in the home were downstairs at the time. Staff 1 reported Youth A tried to sit on his lap, but he moved away from her. Youth A then sat next to Staff 1 and asked him to engage in sexual activity with her. Staff 1 told her no. Staff 1 stated Youth A said she would not tell anyone if he just let her do it. Staff 1 refused again. Youth A then stated she would report that he assaulted her, if he did not comply with what she wanted. Staff 1 was worried about losing his job, his status as a college student, and his immigration status if Youth A made an assault allegation against him. Staff 1 then allowed Youth A to perform oral sex on him. Staff 1 reported this was the first and only time this happened. When asked about any other relationships at his other employment, Staff 1 reported he previously dated a co-worker at another job. But that person made a false police report about Staff 1 stalking her. Staff 1 was arrested, but later cleared of the charges as he could show evidence they had been dating for several months and the allegation was untrue. Staff 1 stated that prior incident is what made him fearful of Youth A making an allegation if he did not do what she wanted. When asked why he did not try to stay away from her and notify his supervisor, Staff 1 indicated he did not think anyone would believe him.

Program Manager

On 6/14/22 an interview was conducted on-site with PM. PM reported being on call, , when the allegation was first reported. Youth A stated the incident occurred on 6/4/22, but she did not report it to staff until 6/5/22. CA and Law Enforcement (LE) were contacted. Due to Youth A being 18 years old, the agency was unsure if the allegation should be reported to DHHS-Children's Services. LE went to the ILP home on 6/5/22 to interview Youth A. LE told the agency not to complete any interviews with youth or staff. On 6/6/22 the agency notified DHHS/DCWL of the allegation. The agency's safety plan placed Staff 1 on leave pending investigation. Staff 1 later submitted his resignation on 6/7/22. In addition, caseworkers and life skills coaches increased their presence at the ILP house, in the event any youth needed support.

Documents reviewed

- On 6/6/22 a review of Youth A's case file was completed in MiSACWIS. No information relevant to this investigation was found.
- On 6/8/22 the police report was received by DCWL. The report indicated Staff 1 denied any sexual or physical contact with Youth A. Staff 1 declined consent for a DNA elimination test. No arrest warrant issued.

- On 6/14/22 the agency's Employee Handbook was reviewed. Pages 10-11 identified the expectation of staff to treat youth with dignity and respect, in an environment free from unwelcome conduct (verbal, physical, sexual, etc.)
- On 6/14/22 Staff 1's employee file was reviewed. Staff 1 was hired in December 2021 and completed all training as required. Staff 1 signed an acknowledgement of training regarding policies and procedures on 1/19/22 and acknowledgement of employee handbook on 12/12/21. A criminal record history search in the file showed an 8/31/21 charge of misdemeanor stalking. This was accompanied by documentation dismissing the charges on 1/21/22. Staff 1's first employee performance review on 6/4/22 was marked "expected performance". There was no disciplinary action noted in the file.
- On 6/30/22 a conference call occurred with DHHS. DHHS reported no findings regarding the minor youth at the ILP home and Staff 1. DHHS provided a copy of their written report on 7/8/22.

APPLICABLE RULE	
R 400.12206	Staff qualifications
	(1) An agency shall require a staff member who has ongoing contact with children or parents to be a person who has the ability, experience, education, and training to perform the duties assigned.
ANALYSIS:	Although there was conflicting information about whether it was consensual or forced, a violation was found as it was determined Staff 1 and Youth A engaged in sexual contact.
CONCLUSION:	VIOLATION ESTABLISHED

IV. RECOMMENDATION

Upon receipt of an acceptable CAP, I recommend no change in the license status.



Heather Reilly
Licensing Consultant

07/12/2022

Date

Approved By:



July 13, 2022

Jessica VandenHeuvel
Area Manager

Date