



We have the legal right of way.

“Our goal at SEQUEL-Pomegranate Health Systems is to alleviate suffering, promote holistic development, and provide an enabling environment in which disenfranchised and traumatized children can thrive.”¹

INTRODUCTION

Disability Rights Ohio conducted a nine-month investigation into complaints received and incidents reported about serious and systemic allegations of abuse and neglect, violations of safety, inappropriate use of restraint, peer-to-peer bullying, staff intimidation, violations of treatment standards, and infringement of other rights at Sequel Pomegranate, a 74-bed Residential Treatment Facility (RTF) and 20-bed Acute Psychiatric Hospital, located at 765 Pierce Drive, Columbus, Ohio 43223 in Franklin County. Both the RTF and Acute Psychiatric Hospital are licensed by the Ohio Department of Mental Health and Addiction Services (OhioMHAS).

This report primarily highlights concerns found within Sequel Pomegranate’s RTF. Disability Rights Ohio is pleased to learn that OhioMHAS has taken recent administrative action against the Residential Treatment Facility. Disability Rights Ohio remains worried, however, for all children in Sequel Pomegranate’s care and feels strongly that new training and oversight are necessary to address systemic failures at the facility.

Disability Rights Ohio’s investigation has uncovered pervasive and disturbing problems embedded in the treatment culture at the RTF. Children who were there to receive therapeutic behavioral health treatment were instead exposed to:

- **Unapproved and painful restraint techniques and physical abuse (including chokeholds and punches)** that often resulted in injuries;
- **Problematic staff behavior**, including little staff intervention during peer bullying and fighting and instances of probable staff encouragement and direction;
- **A poorly supervised, unstructured, re-traumatizing environment** lacking programming and containing disturbing levels of staff bullying, intimidation and lack of boundaries;
- **A failure by agency leadership to provide a safe, trauma-informed culture** for childhood survivors of physical, sexual and emotional abuse;
- **A failure to protect children’s rights** through an unbiased, client-directed grievance process.

1 - Sequel Pomegranate Health System Website: <http://www.sequel-pomegranatehealthsystems.com/Staff-and-Licensing.html>

Disability Rights Ohio is not the only organization concerned with issues at this RTF. Sequel Pomegranate continues to experience ongoing public media attention and scrutiny from referral agencies and licensing bodies regarding the harmful culture surrounding the treatment of children in its care.

BACKGROUND

Sequel Pomegranate RTF serves children between ages 12 and 17 with mental health, emotional, and behavioral disorders. The facility offers “secure residential treatment, emergency shelter care, and acute hospital services for teens in crisis.” The vast majority of children receiving services from Sequel Pomegranate’s secure residential treatment program are in the custody of child protective services (CPS) agencies from counties throughout Ohio. Sequel Youth and Family Services, a privately owned company with its headquarters in Huntsville, Alabama, owns the facility. Children are referred to Sequel Pomegranate primarily through a professional referral process. All children accepted into treatment at Sequel Pomegranate have gone through the agency’s screening and intake processes. After a child is admitted into treatment, children can be moved across treatment programs.

Beginning in June 2019, Disability Rights Ohio received **reports of physical abuse, peer-on-peer bullying, bullying by staff, and children’s elopement** from the facility. Disability Rights Ohio began investigating these incidents and, to date, has reviewed hundreds of records, including incident reports, video footage, and children’s treatment records. Disability Rights Ohio completed three unannounced visits of the Residential Treatment Facility on July 11, 2019, December 2, 2019, and February 10, 2020 and two unannounced visits to the Acute Psychiatric Hospital on December 2, 2019 and February 10, 2020.

During the same time of Disability Rights Ohio’s investigation, OhioMHAS conducted surveys of Sequel Pomegranate’s Acute Psychiatric Hospital including the review of a video from an October 25, 2019, incident. On November 1, 2019, OhioMHAS proposed to suspend Sequel Pomegranate’s license to operate the Acute Psychiatric Hospital. The findings established by OhioMHAS determined the use of:

- **Unapproved restraint technique** in which a staff Licensed Practical Nurse (LPN) placed and held a child by wrapping her arm around the child’s neck and subsequently taking the child to the floor;
- **Inappropriate and dangerous restraint technique** that may have restricted the child’s ability to breath by placing staff’s body weight on the child’s back while the child laid face down on the floor by an LPN and Mental Health Associate (MHA);
- **Physically abusive behaviors**, by staff, LPN, and MHA, who were observed striking the child’s face five times with a fist, grabbing the child’s hair, and pushing the child’s head against the concrete block wall;
- **Staff uncertified to provide restraint** as LPNs implemented the restraint without annual non-violent crisis intervention training;

- **Violation of the child's right** to reasonable protections from physical abuse;
- **Failure to provide follow up care** as there is no documented nursing assessment of the child by the nurse or physical examination of the child by the psychiatrist.

On February 26, 2020, Disability Rights Ohio requested a complaint-based survey of the RTF by OhioMHAS.

PHYSICAL ABUSE AND PAINFUL RESTRAINTS

Beginning on July 11, 2019, Disability Rights Ohio conducted several on-site visits to interview children. Disability Rights Ohio spoke to over forty-three children, many of whom reported that they had experienced painful crisis holds or had observed their peers being injured.

“They put their elbows in our jaws and tell us to stop talking...Our arms are up in such a way that they can get broken or our shoulders pop out of place...Staff throw kids against walls.”

After learning of these events, Disability Rights Ohio attempted to work with Sequel Pomegranate to address these issues. Though Sequel Pomegranate tried to implement a new crisis intervention model based on the concerns and recommendations from Disability Rights Ohio, Disability Rights Ohio gathered additional testimonies from children who continued to witness or experience restraints:

- A child stated she was concerned about how ***“staff throw them [children]”*** and continue ***“to be rough with them.”*** Regardless of the code being called ***“someone is getting restrained”***;
- ***“It [restraint] hurts”***;
- A child stated that staff threatened to restrain him by saying, ***“I’ll wrap you up”*** and the threat is used ***“constantly”***; and
- ***“Put in a hold so strong that it almost broke my arm; they kept holding me tighter and tighter; my hands and arms were tingling and going numb.”***

One reporter stated that Sequel Pomegranate staff had a ***“last resort first”*** approach and had observed staff ***“pulling arms too high, too tight.”*** Another report described Sequel as not a safe environment because restraints were conducted in ways that eliminated a child’s ability to communicate.

The issues Disability Rights Ohio uncovered in Sequel Pomegranate’s RTF are similar and equally disturbing as those occurring in its Acute Psychiatric Hospital. On February 26, 2020, Disability Rights Ohio requested a complaint-based survey of the RTF by OhioMHAS. OhioMHAS has used its licensing authority to initiate action

against the RTF.

Many of the children served by Sequel are victims of traumatic experience. These children are at risk of further traumatization when they are the victims of inappropriate physical restraint and physical abuse. Moreover, children with trauma histories who witness their peers being inappropriately restrained or physically abused are at risk of re-traumatization.

PROBLEMATIC STAFF BEHAVIOR

Disability Rights Ohio received reports about:

- **Lack of staff intervention** during peer bullying and fighting and even instances of seemingly staff encouragement of peer conflicts
- **Bullying by staff** including staff making fun of their hair, cussing at them, telling them that they stink and need to go take a shower, and talking about confidential information in front of their peers

Children describe staff as repeatedly failing to prevent or intervene when children become verbally aggressive with one another, which frequently escalates to physical confrontations. It was reported to Disability Rights Ohio that often the children not involved in the altercation attempt to stop physical fights due to staff inaction or when staff have left their assigned unit to respond to needs on other units. It is not uncommon for one unit to be left understaffed.

For example, Disability Rights Ohio investigated a February 9, 2020, peer-to-peer incident that was reported by youth to Disability Right Ohio during an unannounced visit on February 10, 2020, in which two children, while sitting shoulder to shoulder, began provoking each other in the presence of staff. While one staff member makes three attempts to intervene, they eventually walk off the unit, leaving one staff member with nine children. Both children begin striking and kicking as staff respond from other units. Approximately two minutes and forty-four seconds elapsed before one child was able to be “therapeutically guided off unit.”

Children at Sequel Pomegranate provided the following testimonies describing some staff’s dismissive demeanors during growing tensions and staff’s probable encouragement during peer-on-peer fights:

- Staff oftentimes say, **“If you [child] fight, I’m not breaking it up”**
- Staff often let peers fight with other peers and just sit back and **“watch and fight”** and only **“good staff will hurry and do something about it”**
- Staff not believing children, administration not believing children
- Not feeling protected; **“I don’t feel safe”**

Limited staff intervention during peer bullying and fighting and instances of probable staff encouragement and direction create unsafe situations for children receiving

treatment at Sequel Pomegranate. Staff are required to play an important role in establishing and maintaining a supportive and therapeutic treatment environment. Fostering a trauma free relationship with peers, staff, and therapists would establish pro-social behaviors vital for discharge into the community.

RIGHTS VIOLATIONS

During our investigation, Disability Rights Ohio heard numerous complaints about additional rights violations. For example,

- **The right to confidentiality of communications and personal identifying information.** On the July 11, 2019 investigation visit, Disability Rights Ohio was informed by one child that staff frequently break the youths/residents right to confidentiality;
- **The right to be verbally informed of all resident rights.** *“Staff tell us we do not have rights - that we are not entitled to anything”;*
- **The right to exercise one’s own rights without reprisal.** *“Children do not have the right to refuse group”;*
- **The right to decline medication.** *“If you don’t want to take your meds, they will write you up and you will lose your level”;*
- **The right to file a grievance.** *“If a resident makes a complaint “staff don’t want you around” or they say “Go ahead and do it, I am not going to get in trouble”;* and
- **The right to exercise one’s own rights without reprisal.** *“Staff hold grudges. They either refuse to do things for you or pick arguments so they can put you in a hold, especially when they are told that you have filed a grievance.”*

LACK OF CARE AND PROGRAMMING

Disability Rights Ohio noted the lack of programming and structure available to the children at Sequel Pomegranate, particularly in the living and social environments.

Numerous children reported the following concerns during interviews with Disability Rights Ohio:

- **Lack of activities in the day room** which led to peer bullying and fighting
- **Wanting less peer run groups/activities** and more staff led activities and therapy

Children report that programming does not happen at all or presenters get frustrated and give up: ***“We are supposed to have programming but never do. We almost never have any kind of programming.”***

Children’s concerns were echoed by one reporter who stated that weekends, due to no programming, are best described as a ***“free for all.”*** The environment reported does not support an engaging, safe, secure, and interactive facility that provides any therapeutic value towards recovery and wellness.

LACK OF ADEQUATE FOOD

Disability Rights Ohio noted reports of inadequate meal portions including poor quality and taste, inappropriate nutrition, and witnessed staff eating children's food prior to children feeling adequately fed.

With respect to concerns about inadequate food, children reported:

- ***"The food portions are too small. They are child-sized and many of us have adult-sized bodies."***
- Having food withheld and being told that food was a ***"privilege."***

Furthermore, Disability Rights Ohio witnessed staff seated and eating facility meals while children were still actively being served. With no access to food other than what the facility provides, Disability Rights Ohio believes that staff should only have access to facility food after children have finished eating and have been served portions appropriated to their developmental needs.

INEFFECTIVE GRIEVANCE PROCESS

Disability Rights Ohio is concerned about Sequel Pomegranate's implementation of its grievance process.

Early in the investigation, Disability Rights Ohio identified issues with Sequel Pomegranate's grievance process. On Friday, August 2, 2019 Disability Rights Ohio requested changes be made to Sequel Pomegranate's grievance process. Disability Rights Ohio specifically requested the following changes be made to the grievance form:

- Removal of the requirement for staff signature in order for a child to submit a formal written grievance;
- Modifications to include more "developmentally appropriate" language; and
- Forms to be made available in the common room on each unit where children could access them independently.

Sequel Pomegranate confirmed via letter that all the requested changes had been implemented effective September 1, 2019. Five months later, February, 2020, Disability Rights Ohio discovered that children continued to possess and utilize old forms.

Also, in February 2020, Disability Rights Ohio further investigated Sequel Pomegranate's grievance process when it was discovered that a child had recently recanted his grievance, which alleged physical abuse by staff, only hours after it was submitted. A review of records by Disability Rights Ohio revealed the internal investigation of the staff intervention had been halted when the child agreed to participate in a staff-initiated mediation process.

The purpose of any established grievance process is to provide children with a

safe and consistent way to use their self-advocacy skills to raise concerns regarding potential rights violations and to have those concerns objectively investigated by an unbiased, neutral trusted adult. Suggesting mediation as a viable response to a grievance alleging abuse is acutely concerning. **An attempt to mediate possible abuse threatens the child's rights, devalues the child's experience and furthermore places a child in danger of re-traumatization by placing them in the same room as the potential aggressor.** Disability Rights Ohio does not reasonably believe genuine responses and resolutions can be achieved by placing a child with a potential perpetrator for mediation.

During interviews one child stated she had never participated in mediation; however, confidently confirmed mediation is an option on the unit. Another child stated he personally participated in mediation with two peers and one staff. The child stated ***"I just don't feel like mediation helps. It just makes me more mad."***

Disability Rights Ohio requested Sequel Pomegranate's policy on mediation after the February 9, 2020 interviews. **In response, Sequel corporate attorneys stated "POM does not have a specific policy for mediation. They are in the process of creating a protocol."**

FAILURE TO IMPLEMENT A THERAPUTIC CULTURE SHIFT

After 9 months of Investigation Disability Rights Ohio is unable to conclude that the protection of the rights of children in treatment at Sequel Pomegranate have improved.

Disability Rights Ohio's found the organization's culture deeply embedded with harmful and shaming practices. Disenfranchised and traumatized children find themselves in an environment containing:

- **A lack of emotional and physical safety** resulting from painful restraint practices often causing injuries to children
- **An absence of empowerment, dignity and respect** when expressing their needs and concerns through the organization's grievance process without the fear of judgment or retribution; and
- **Absence of healing safe relationships** with staff

The overall concerns about culture can be summed up by a quote from the current CEO of Sequel Pomegranate. During a visit on December 2, 2019, Disability Rights Ohio shared new complaints and concerns gathered from the children with the facility leadership. **In response, Sequel Pomegranate's new CEO asked Disability Rights Ohio if "We're just going to believe them [children]."**

Two examples of the failed attempts to implement a therapeutic culture shift include the failure to implement a new intervention model in response to concerns about

unapproved restraints, and the continuing use of a flawed grievance process even after assuring Disability Rights Ohio that changes had been made.

As part of their identified therapeutic culture improvement processes Disability Rights Ohio was informed by Sequel Pomegranate that a leadership decision had been made to retrain all staff and to implement a safer, more trauma informed crisis management approach in September 2019. Sequel Pomegranate believed that shifting the model would positively impact practices, decreasing injuries to children and shifting the organizational culture in a positive direction. However, five months later during an unannounced on-site investigation, February 10, 2020, Sequel Pomegranate staff expressed confusion on which restraint techniques they were to be using. When asked about the new crisis intervention model staff responded, **“Not everyone is trained. It’s not being used yet.”** It was clear to Disability Right Ohio that the communication and training strategies being identified by leadership were not having the intended impact on culture or the services children were receiving from front line staff.

Throughout the 9 months of investigation, Disability Rights Ohio held regular and mutually transparent meetings with corporate leadership and their legal representation. Continuous promises of future changes in agency culture and treatment improvements were made. After numerous lackluster attempts to change organizational culture and staff practices took place, including training and the replacement of key Sequel Pomegranate staff members, the culture and its negative impact on children persisted.

CONCLUSION

Disability Rights Ohio applauds OhioMHAS for utilizing its licensing responsibilities to hold Sequel Pomegranate accountable for the treatment to children in its RTF. **Sequel Pomegranate should not be able to provide treatment to children until systemic changes are demonstrated and appropriate training is in place that prevents the pattern of abuse from reoccurring.** DRO recognizes the importance of holding facilities accountable for the treatment of all children in its care based upon the criteria set forth in the Ohio Administrative Code. Disability Rights Ohio calls on OhioMHAS, Child Protective Services, and other referral agencies to utilize all available steps to prevent future risk and harm to children receiving services at Sequel Pomegranate.

