

OPINION & COMMENTARY

Very few answers in child's death

The pleas of no contest to charges last week in connection with the homicide of 7-year old Angellika Arndt last May at the Rice Lake Day Treatment Center seem less like justice than they do an attempt to sweep away some unpleasanties surrounding this tragedy.

Would it have taken more than 6 months to bring criminal charges had Angellika not been a troubled girl living in foster care hundreds of miles from her estranged family?

Why was no one within the management or ownership of Northwest Counseling and Guidance, which operated the clinic, held criminally responsible when Angellika's death was directly attributable to a restraint policy that was "inadequately defined," "internally inconsistent" and one which vested "broad decision-making authority in a largely unskilled staff," according to a Department of Justice investigator?

How often do we see in other homicide cases the defendants being offered the opportunity for a plea agreement even before charges have been filed?

With more than 50 similar restraint deaths in the past 15 years as documented by the Coalition Against Institutionalized Child Abuse, why didn't state inspectors know children like Angellika were being restrained in this unnecessary and dangerous manner, or that the person responsible for training Northwest workers was not trained himself?

What real assurances do we have that the children under care elsewhere in Wisconsin—and especially in the 12 other clinics Northwest still operates—won't suffer from the same negligence shown at the Rice Lake center, which has since been ordered closed by the state?

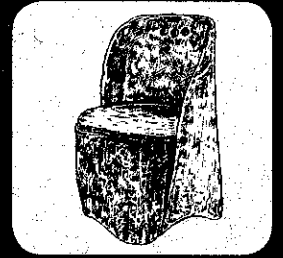
Those are just a few of the troubling questions that arise from this death and how it has been handled by the authorities we trust.

The disconnect between Angellika and this area, as well as the tidy package of charges and pleas being presented to the court both work against the likelihood that these questions will ever be answered.

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Clinic, staffer plead 'no contest' in child's death

Both Northwest Counseling and Guidance Clinic, Inc., and one of the company's staff members pled 'no contest' Dec. 6 when felony and misdemeanor negligence charges were read to them at the Barron County Justice Center, regarding the death of a 7-year-old girl at a Rice Lake mental health facility.

The 'no contest' pleas were part of a plea agreement the defendants had reached with State and County prosecutors.

Speaking to the plea agreement reached with the Rice Lake clinic, Assistant Attorney General William Hanrahan said the State would recommend the maximum sentence—a \$100,000 fine—be lodged against the company.

Additionally, a corporate integrity agreement was incorporated into the deal, which requires the company to come up with a detailed, written policy regarding when and how physical holds should be used on its patients.

According to the agreement, for the next two years, the company agrees to:

- Use restraints "only under emergency circumstances, as the last resort and solely for the prevention of

likely great bodily harm or death."

- Establish criteria for staff members to use in evaluating the appropriateness of restraint.

- Pay for the retraining of all direct care staff in the use of safe restraint techniques.

- Have, at a minimum, "direct care staff, a social worker, a day treatment program administrator, a registered nurse" and/or a physician reviewing each instance of physical restraint soon after it has been used on an individual.

- Comprehensively document all the reasons why a restraint was used in each instance and to forward this information to the subject's doctor.

Northwest Counseling and Guidance Clinic, Inc., also agreed to "not neglect or abuse" any of its patients, to stop doing business in Barron County and to "comply with all lawful orders" from various regulatory agencies, according to the agreement.

Defense attorney Lew Wasserman said his client, the clinic, agreed to the terms of the plea agreement, and he signed the corresponding document on its behalf.

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Brad Ridout (left) with defense attorney Tim O'Brien

No Contest

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Barron County Circuit Court Judge Edward Brunner stated, for the record, why the defense was in court that day.

"The count is for negligent abuse of a resident, which is a Class D Felony, and the maximum penalty is a \$100,000 fine," Brunner said. "What plea is the corporation entering to that count?"

"No contest, Your Honor," Wasserman replied.

When the judge asked if the defense realized the consequences of the plea, Wasserman further said, "It's a voluntary and intelligent plea."

The court accepted the 'no contest' plea and found the company guilty of the felony charge. A Dec. 27 sentencing date was set.

Immediately following Northwest Counseling and Guidance Clinic, Inc.'s initial appearance, the clinic's embattled employee, Brad Ridout, was seated at the defense's table.

Ridout, 29, who was facing a maximum penalty of a \$10,000 fine and nine months in prison if found guilty on the misdemeanor charge of negligently abusing a patient, similarly pled 'no contest.'

Ridout was the clinic employee who had been covering the 7-year-old's upper body with his own in order to restrain her as she lied face-down on the clinic's floor.

Brunner asked Ridout if he understood he was giving up his Constitutional rights, including the right to a jury trial and to have guilt proven beyond a reasonable doubt.

He defendant acknowledged that he knew what he was giving up.

Brunner then found Ridout guilty and set his sentencing date for Dec. 27.

District Attorney Angela Holmstrom, who is prosecuting the case against Ridout, requested a \$1,000 signature bond be set for the defendant, which the judge granted.

After the court proceeding, Ridout provided a prepared statement to the press.

"My entire family and I wish to express our deep sadness over the loss of Angie," Ridout said in the statement. "I regret that any of my actions to help protect this girl may have actually caused her harm.

"I understand the demand for personal responsibility. I hope that my decision not to contest the charge is the first step in allowing everyone involved with this tragedy to begin to heal and to move forward."

Rick Pelishek is the regional director for Disability Rights Wisconsin, a federally mandated advocacy group that investigated the circumstances surrounding 7-year-old Angellika "Angie" Arndt's death. He said his organization is pleased with the 'no contest' pleas that have been

entered.

"I think the DA and DOJ did a good job in getting a conviction on the negligent homicide on Northwest Counseling and Guidance," Pelishek said. "I think the fine does not fit the crime, but that is the maximum under Wisconsin law, and a corporation cannot be put into jail.

"This is probably the first organization that actually had negligent homicide charges stick. I know there will be civil cases that will get more to the monetary damages and making sure this will never ever happen again in Wisconsin."

He also noted that having a criminal offense on the company's record will disqualify it from receiving a main source of income—Medicaid funding.

Even though this case might have its end in sight, Pelishek said Disability Rights Wisconsin still has objectives it wants to accomplish relating to Arndt's death.

"One of the things we want to change legislatively is to get prone restraint banned in the state," he said. "Some are calling it 'Angie's law.' It is a horrible, dehumanizing act.

"Try laying face down on the floor and clasp your hands behind your back, or as close as you can get them, and try counting to 20 slowly. May take about a minute. Now think of having someone weighing as much as you or five times as much as you laying across your back while you are doing this. Now, imagine this going on for over an hour!"

A report by Randall Cullen, a physician who reviewed the Rice Lake clinic's practices, found at least 10 documented instances in a 32-day period preceding Arndt's death where she had been physically restrained by staff at the facility—once for as little as 17 minutes and twice for more than 95 minutes.

An affidavit filed with the criminal information against the clinic states that from the time of the 7-year-old girl's admission until her death, there had been numerous acts and omissions by employees of the facility that had compromised her safety. These omissions included staff failing to adequately consult records containing Angie's medical history and failing to consult the treatment plan prior to providing services to her.