

# MONTANA ADVOCACY PROGRAM, INC.

*The Civil Rights Protection & Advocacy System for the State of Montana*

## Main Office

October 27, 2005

# FILE COPY

Robert Long, County Attorney  
Lake County Courthouse  
106 Fourth Avenue East  
Polson, MT 59860

Re: **Report of Criminal Assaults Against Children at Swan Valley Youth Academy**

400 North Park Avenue  
P.O. Box 1681  
Helena, Montana 59624  
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## Missoula Office

*Sent by facsimile 10/27/05*

Dear Mr. Long:

I am writing to report the following criminal activity and child abuse allegations. I request that your office take appropriate and immediate action to protect the children at Swan Valley Youth Academy. In the course of representing a youth who was placed at Swan Valley Youth Academy, I have had occasion to investigate the treatment of children there by the staff. I am alarmed by what I have discovered. My investigation is nowhere near complete, but I feel that I have attained enough corroboration of criminal behavior and child abuse so far to report the results to you and ask for your intervention

I make this report to you with the request that you investigate and prosecute individual staff members who have violated Montana's criminal laws and that you investigate and take appropriate action with respect to the abuse and neglect allegations. For your information, I will be submitting information to Marty Crago, Community Residential Licensing Program, Department of Public Health and Human Services, in Missoula also, so that she may take action with regard to violations of licensing requirements. In addition, I will notify the Juvenile Probation offices and district court judges so that they may take appropriate action to stop sending children to this facility pending complete investigations by law enforcement and licensing.

The following list is incomplete, but in the interest of immediate protection for the youth in the facility and hopefully, a moratorium upon placing new youths in the facility, I am sending information about some of the incidents that are illustrative of the treatment of children at Swan Valley.

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An especially alarming aspect about the current situation is these are not just the acts of rogue employees. The director, Colonel Chris Perkins, has physically assaulted a youth and Jeff Wagner, a person who engaged in much of the violent behavior towards youth, is now in a position of leadership. I am led to believe he is the current Deputy Director.

### **Summary of Allegations**

Swan Valley Youth Academy staff have physically assaulted some youths during the intake process by slamming them up against the wall and slamming them on the floor and putting their full body weight on the children. During intake, staff quickly and roughly shave their heads over the trash can so that many youths are cut and bleeding. Staff intentionally and with malice attempt to make the children vomit or faint from exhaustion when forcing them to do excessive push-ups and physical activity during intake. Outside of the intake process, staff physically push and shove the youths, and on at least one occasion, slam a youth up against a brick wall.

Throughout the youths' stay at Swan Valley, and especially during intake, staff verbally and emotionally abuse the children, yelling at the youths and calling them names, including but not limited to "fucking pussy," "faggots," "jerk," "creep," and would give kids nicknames including "blubberbutt," "dumbass," "fatso," etc., telling them they're losers and they'll never make it, and telling them that their parents are losers. There is much yelling and taunting of the children during their intake, with the expressed goal of breaking the kids down so they will submit to authority.

Staff have put children in locked seclusion in violation of licensing requirements and safety considerations.

### **Specific Incidents**

1. On or about June 15, 2004, [REDACTED] was kept in locked seclusion for 40 minutes while all staff vacated the building for a meal. Required checks were not conducted.  
*Witness* [REDACTED]
2. On numerous occasions, the seclusion log was doctored by staff to record checks every 5 minutes as required by policy, although checks were not actually made every 5 minutes.  
*Witnesses:* [REDACTED]
3. On or about June 15, 2004, staff member Jeff Wagner physically took new intake [REDACTED] the ground during intake and put his full body weight on top of [REDACTED]  
*Witnesses:* [REDACTED]
4. In November or December 2004, during the intake for [REDACTED], staff member Jeff Wagner physically took [REDACTED] to the ground and put his full body weight on top of him. Wagner

also slammed [REDACTED] up against the wall. [REDACTED] was approximately 13 years old, 4'11" and 125 lbs. Wagner is approximately 220 lbs. [REDACTED] screamed for help but noone came to his aid. Staff member [REDACTED] wrote a report and submitted it to Colonel Perkins, charging that the intake of [REDACTED] was abuse and asking Perkins to investigate. Colonel Perkins responded that this was how intake was done at SVYA. No changes in intake took place after this incident. Wagner has since been promoted. *Witnesses:* [REDACTED]  
[REDACTED]

5. Prior to the intake of a child from California who had burglarized homes on a military base and whose father was a Marine, Wagner was overheard to say that he could not wait to get his hands on the new intake because "No one victimizes/takes from a Marine and gets away with it." Wagner also told other staff he was so pissed off that he could not wait until that kid got there, that he was going to break his fucking face or something like that. I believe, but am not certain, that the child's name is [REDACTED] *Witnesses:* [REDACTED]  
[REDACTED]
6. In December 2003, staff members [REDACTED] and Wagner were overheard to make bets as to who could make the new intake puke first. They were bragging about how Wagner had made [REDACTED] puke during his intake. *Witness:* [REDACTED]
7. Sometime between December 2003 and March 2004, Director Chris Perkins became angry when [REDACTED] would not get up and stand in the chow line as he had been ordered. Perkins grabbed him and slammed him up against a brick wall, then had staff physically drag [REDACTED] to seclusion down the hall. *Witnesses:* [REDACTED]
8. Sometime around August 2004, [REDACTED] was put in locked seclusion for 5 days for not complying with staff orders. After being taken out of isolation, [REDACTED] was made to stand at attention for at least three hours on a very hot day. Staff member [REDACTED] wrote a report alleging this was abuse and put it in the child's file. Colonel Perkins removed the report from the file and told [REDACTED] that [REDACTED] did not understand their methodology, that they needed to break down this kid. *Witness:* [REDACTED]  
[REDACTED]
9. [REDACTED] was made to stand with his back to the class and face against the wall for one week. He could leave to eat, but then had to return to the wall. This was a punishment because during intake he did not react as fast as the intake team thought he should to an order. *Witness:* [REDACTED]
10. When staff member [REDACTED] told Wagner that [REDACTED] needed to get out of SVYA and get into mental health treatment, Wagner responded "No, he just needs to get his ass

kicked." *Witness* [REDACTED]

11. On numerous occasions, children were observed to have bruises. Staff often documented that they restrained children using an approved CPI hold, when in fact they had been observed to use a military or other hold. *Witness* [REDACTED]
12. Some staff heard that staff member [REDACTED] put his hands around the neck of one of the children and started to choke him. Children reported to staff that one child was thrown down on the gym floor on his face by a staff person. [REDACTED] saw marks on the child's face afterwards.
13. Staff members Wagner and [REDACTED] would wake up the children in the morning by hollering "Get the fuck up. Get your sorry asses out of bed."

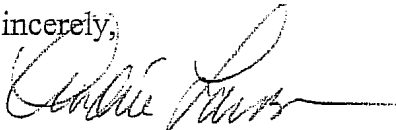
The names and phone numbers of the witnesses identified in this letter are as follows. They are all in Montana:

1. [REDACTED]
2. [REDACTED] 835-2121
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

I urge you to approach your investigation in a way that any potential evidence is preserved. It is my understanding that in the past documents have been destroyed and that, just prior to visits by licensing authorities, certain documents have been altered.

Please let me know how you intend to respond to this report and please let me know if I can be of any further assistance.

Sincerely,



Andrée Larose  
Senior Staff Attorney

cc: Mark Russell, Deputy County Attorney  
Marti Crago, DPHHS