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REPORT ON THE FATALITY OF:

Zymiere A. Sewell

Date of Birth: 03-19-2008
Date of Death: 08-09-2011
Date of Oral Report: 08-09-2011

FAMILY KNOWN TO:
Allegheny County Children, Youth and Families

Report Finalized On:
06/13/13

Unredacted reports are confidential under the provisions of the Child Protective Services Law and cannot be released to the public.
(23 Pa. C.S. Section 6340)

Unauthorized release is prohibited under penalty of law.
(23 Pa. C.S. 6349 (b))

Reason for Review

Senate Bill 1147, Printer's Number 2159 was signed into law on July 3, 2008. The bill became effective on December 30, 2008 and is known as Act 33 of 2008. As part of Act 33 of 2008, DPW must conduct a review and provide a written report of all cases of suspected child abuse that result in a child fatality or near fatality. This written report must be completed as soon as possible but no later than six months after the date the report was registered with ChildLine for investigation.

Act 33 of 2008 also requires that county children and youth agencies convene a review when a report of child abuse involving a child fatality or near fatality is indicated or when a status determination has not been made regarding the report within 30 days of the oral report to ChildLine. Allegheny County has convened a review team in accordance with Act 33 of 2008 related to this report.

Family Constellation

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
Zymiere A. Sewell	Victim Child	03-19-2008
██████████	Sibling	██████████-2010
██████████	Mother	██████████-1990
██████████*	Maternal Grandmother	Unknown
██████████*	Father	██████████1985
██████████	Mother's boyfriend	██████████-1992
██████████*	Mother's boyfriend's brother	██████████-1993

*Non-household member

Notification of Child Fatality

On 08-09-2011 at 11:16 a.m., it was reported by the ██████████ ██████████ to Allegheny County Children, Youth and Families (CYF) that a child was shot in the head and killed at approximately 1:00 a.m. ██████████ were unsure, but thought that the wound may have been self-inflicted. The incident occurred at the child's residence. The ██████████ found bullets in the closet and one piece of crack cocaine floating in the toilet, along with numerous items of drug paraphernalia. The house was described as being in total disarray. The gun was not found at the scene. The mother was believed to be in another room when the shooting occurred. It was reported that the mother's boyfriend's brother, ██████████, age 18, was in the room with the 2 children. It was reported that ██████████ left the room and the child got the gun and self-inflicted the shot that killed him. The ██████████ believe the shot was self-inflicted due to the positioning of the child's body. It was also reported that the adults in the home were smoking marijuana. It was also alleged that the mother allows individuals to go in and out of her home selling drugs. The report was ██████████ ██████████

Summary of DPW Child Fatality Review Activities

The Western Region Office of Children, Youth and Families obtained and reviewed all current and past case records pertaining to the [REDACTED] family. The intake and [REDACTED] case documents were provided by Allegheny County CYF. The file included: [REDACTED] referral forms, Child Fatality/Near Data Collection Form, [REDACTED], [REDACTED] report documentation form and medical documentation. Several follow up interviews were conducted with Allegheny County caseworkers and supervisors via phone. The regional office also participated in the County Internal Fatality Review Team meetings on September 1, 2011 and October 20, 2011. A history of the family was presented in a power point presentation that was very informative. Allegheny County CYF presented both current and past information about the family. An overview of the case was presented, the main points in the [REDACTED] Investigation, the services provided to the family, law enforcement reports and the Medical Examiner autopsy report.

Summary of Services to Family:

Allegheny County CYF was not active with the family at the time of the child's death.

Allegheny County CYF implemented several services to the family once the case was opened. The mother was scheduled for a [REDACTED] which recommended [REDACTED]. The mother and maternal grandmother were offered [REDACTED]. They attended one session and decided that they did not want [REDACTED]. The case was opened with a specialized unit within Allegheny County CYF, Inua Ubuntu, with Small Seeds Cultural Consultants assigned to the case. The case was transferred to the Mon Valley Regional Office of Allegheny County CYF Family Services, with Small Seeds services continuing with the family.

The mother and [REDACTED] lived with the maternal grandmother following the incident, until October 4, 2011, when the mother entered a [REDACTED]. The mother was expecting a baby in early spring. [REDACTED] remained with the maternal grandmother, informally, at this time. The mother's [REDACTED] provided her with prenatal care and classes, [REDACTED] and urine screens. The mother was looking for new housing, and Allegheny County CYF and [REDACTED].

Cultural Consultants from Inua Ubuntu are working with father, [REDACTED]. He is going to be attending a Fathers Program. There is well documented domestic violence between the father and the mother of the target children, as well as the

father and a mother of another child. The father has an active Protection From Abuse order with the mother of another child, and the mother requested a Protection From Abuse order against him in the past. The father was reportedly physically assaultive to mother at the funeral home, and he reportedly was escorted from the hospital at the birth of the younger child because he was verbally abusive to the mother.

Allegheny County CYF [REDACTED]

[REDACTED] for her daughter, since she was unable to gain access to her apartment due to area being designated as a crime scene.

Children and Youth Involvement prior to Incident:

As a child, the mother was referred to Allegheny County CYF on 08/06/2007 due to high risk behaviors. She was using marijuana in the home and not obeying household rules. [REDACTED] was also not in compliance with [REDACTED]

[REDACTED], and [REDACTED] was returned to the care of her mother.

The mother reports [REDACTED], father of the children, is not involved, and the mother has no contact with him. [REDACTED] receives Social Security for [REDACTED].

The mother has a history with Allegheny County CYF as a teen parent. She was placed at an Independent Living Teen Program when she was pregnant with Zymiere. While there, she participated in [REDACTED], independent living skill building, and [REDACTED]. She was reported to be doing well in placement and returned to the maternal grandmother's care.

An Allegheny County CYF referral was made at the birth of Zymiere. The maternal grandmother was willing to assist the mother in caring for Zymiere and allowed them to stay in her home as long as needed. The case was then closed.

Another referral was made at the birth of [REDACTED] due to the mother testing positive for marijuana at the time of the child's birth. Allegheny County CYF Intake from the Central Region Office visited the maternal grandmother's home the following day and reported it to be appropriate. During the next visit on 02/23/10, a safety assessment indicated that the children were safe and being well taken care of by the maternal grandmother, and Allegheny County CYF decided to close the case. The mother's [REDACTED] was well documented

in Allegheny County CYF records. While a juvenile the record also shows that mother was terminated from [REDACTED] and received [REDACTED] while at [REDACTED].

The father has a lengthy criminal record which dates back to 2002. He has served time in prison for a variety of reasons including theft, assault, driving without a license and criminal mischief. There is well documented domestic violence between the father and the mother of the target children and a mother of another child. The father has an active (PFA) Protection from Abuse order with the mother of another child, and the mother of this report has requested a Protection From Abuse order against him in the past. Father was reportedly physically assaultive to mother at the funeral home, and he reportedly was escorted from the hospital at the birth of the younger child because he was verbally abusive to mother.

Circumstances of Child Fatality and Related Case Activity:

On August 9, 2011 OCYF received a [REDACTED] report indicating that the victim child died from a gunshot wound to the head. It was reported that the [REDACTED] suspected that the child's death was the result of a lack of supervision. It was reported that the mother, [REDACTED], was in another room, smoking marijuana at the time of the incident. The [REDACTED] found bullets in a closet of the home, a piece of crack, numerous items of drug paraphernalia, and the house was in "total disarray." The [REDACTED] reported that there was a man in the room with the children at the time of the shooting. The man was [REDACTED], the brother of [REDACTED] paramour, who fled the scene after the shooting.

[REDACTED] has another child, [REDACTED]. The father, [REDACTED] does not reside in the home. [REDACTED] mother, [REDACTED] (MGM) was interviewed and reported that the children were with her until about 6:00pm that evening. She returned the children to their mother and decided to "hang out" at the mother's residence. The children were put to bed around 11:00pm; afterwards the maternal grandmother, paternal grandfather, maternal aunt and the mother's paramour went outside and sat on some chairs in front of the building. The maternal grandmother said she heard a shot and began to call 911. She then heard the mother come down the stairs screaming that her son was dead. The mother stated that the children were lying on the bed in her room watching a movie. Her paramour's brother, [REDACTED], came to the house and asked the mother if he could stay the night. The mother stated that she was preparing to move and the only bed she had was the bed in her bedroom, where the children were watching television. The mother reports that she told [REDACTED] that he could lie on her bed until she was ready to go to bed. The mother reports that she was in the kitchen making Italian sausage when [REDACTED] came into the kitchen and started to speak to her, when she heard a gunshot. She ran upstairs and saw that her son was dead. The mother stated that she did not know that [REDACTED] was carrying a gun. When asked about drugs in the home,

██████████ claimed that they belong to her ██████████ who was homeless and sometimes stays at the house.

The mother has her daughter ██████████ and is living with her mother, ██████████ (MGM). ██████████ resides in the Penn Hills area of Allegheny County. Zymiere and ██████████ father, ██████████ was contacted and reported that he had not had much contact with his children since breaking up with their mother ten months ago. ██████████ stated that he has never had any concerns about the safety of his children while in their mother's care.

The mother has agreed to have a ██████████ and work with ██████████. She also agreed to work with Inua Ubuntu, and an agency within the Small Seeds Organization.

██████████ was apprehended on August 18, 2011 and was sent to the Allegheny County Jail. He was charged with Criminal Homicide, Reckless Endangerment of another Person and Carrying a Firearm without a License. He was arraigned for trial.

The events that resulted in the child's death were unclear at first. Originally, when the incident occurred it was uncertain if the child was shot by ██████████ or if he accidentally shot himself with ██████████ gun. Allegheny County CYF was not active with the family at the time of the child's death.

The ██████████ investigation did not reveal substantial evidence of serious physical injury as a result of lack of supervision. The report was ██████████ on October 7, 2011.

Current Case Status:

Allegheny County CYF, originally, after the tragic incident, instituted a safety plan for the deceased child's sibling, and both mother and child moved in with maternal grandmother after CYF assessed the home's safety. CYF provided services to the mother, including: ██████████; housing supports, referral to a ██████████, and parenting skill development, ██████████ and training. The mother later moved to a shelter for women where she was receiving comprehensive services, and her child remained in the care of the maternal grandmother.

The case was transferred to Family Services in the Mon Valley Regional Office of Allegheny County CYF in October 2011. The victim child's sister remained in the care of maternal grandmother while the mother entered a shelter for expectant mothers and received prenatal care, ██████████ parenting classes and support to locate her own housing and education through this

provider. The mother then returned to the maternal grandmother's home and has recently obtained her own housing.

██████, the mother's boyfriend, is currently incarcerated on charges of intent to sell crack cocaine (reports from the scene of the child's death indicated there was a piece of crack floating in the toilet).

██████████████████, who had been on a pass from a juvenile correctional facility in eastern Pennsylvania at the time, grabbed the gun and fled the scene. He was captured nine days later by Pennsylvania State Police and U.S. Marshalls in Indiana County, PA. The reckless endangering charge applies to a 1-year-old girl who was also in the home at the time.

██████████, 18, was sentenced to five years probation January 30, 2012 after pleading guilty to involuntary manslaughter in the death of Zymiere Sewell. He also pled guilty to reckless endangerment before Allegheny County Common Pleas Judge ██████████, stemming from the August 9, 2011 accidental shooting death of Zymiere Sewell. It was ruled that the boy accidentally shot himself.

County Strengths and Deficiencies and Recommendations for Change as Identified by the County's Child Fatality Report:

Act 33 of 2008 also requires that county children and youth agencies convene a review when a report of ██████████ involving a child fatality or near fatality is ██████████ or when a status determination has not been made regarding the report within 30 days of the oral report to ██████████. Allegheny County has convened a review team in accordance with Act 33 of 2008 related to this report.

• **Strengths:**

Allegheny County CYF immediately instituted a safety plan for the deceased child's sibling, and both mother and child moved in with the maternal grandmother after CYF assessed the home's safety. CYF provided services to the mother, including ██████████, housing supports, referral to ██████████ and parenting skill development, ██████████ and training. The mother later moved to a shelter for women where she was receiving comprehensive services, and her child remained in the care of the maternal grandmother.

Allegheny County CYF and the community service provider assigned to the family engaged with the children's birth father who expressed interest in establishing a parenting role with his surviving child. The father had begun attendance at a fatherhood program to assist with education, job skills and parenting skills.

- **Deficiencies:**
There were no deficiencies identified by the County.
- **Recommendations for Change at the Local Level:**
The County would like to give consideration to distributing information about drugs and guns in the home with new parents when they leave the hospital.
- DHS wants to implement support for a public campaign in regards to guns, with the Health Department and District Attorney to participate. This will consist of a promotion of gun safety campaign to promote community access to gun safety locks and increased community awareness of safe practices with gun handling.
- **Recommendations for Change at the State Level:**
There were no recommendations for change at the local level identified by the County.

Department Review of County Internal Report:

The Department was in receipt of the County Internal Report on September 2, 2011. While it did not identify any strengths or deficiencies, there were several strengths noted by the Department in this case. This feedback was provided to the County verbally on October 20, 2011.

Department of Public Welfare Findings:

- **County Strengths:**
The County responded to the incident immediately and ensured the safety of the other child by placing the child with her maternal grandmother. The agency then was able to provide the family with help in the burial of their loved one, since the family was in need of financial help. [REDACTED]
[REDACTED]
The County was able to engage the father and provide services which will enable the father to enhance his relationship with his surviving child.
- **County Weaknesses:**
The Department did not identify any weaknesses in the review of this case.
- **Statutory and Regulatory Areas of Non-Compliance:**
There were no statutory and regulatory areas of non-compliance identified by the Department.

Department of Public Welfare Recommendations:

The Department recommends that the County continue to collaborate with all of the service agencies which help better serve the youth and families within the County.

Allegheny County Children, Youth and Families responded and acted appropriately to the [REDACTED] allegation and immediately implemented a safety plan for the other child which was involved in the incident. The investigation revealed that the incident was accidental and that the County did not have an active case at the time of the incident.

After reviewing the case record and interviewing stakeholders, the Western Regional Office of Children, Youth and Families has concluded Allegheny County Children, Youth and Families followed appropriate protocol in regards to the investigation of the aforementioned referral.