



REPORT ON THE NEAR FATALITY OF:

[REDACTED]

Date of Birth: 08/01/2004
Date of Incident: 01/14/2017
Date of Report to ChildLine: 01/14/2017
CWIS Referral ID: [REDACTED]

FAMILY NOT KNOWN TO COUNTY CHILDREN AND YOUTH AGENCY AT TIME OF INCIDENT OR WITHIN THE PRECEDING 16 MONTHS:

Centre County Children and Youth Services

REPORT FINALIZED ON:
07/17/2017

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. Section 6349 (b))

Reason for Review:

Pursuant to the Child Protective Services Law, the Department, through OCYF, must conduct a review and provide a written report of all cases of suspected child abuse that result in a 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.

The Child Protective Services Law also requires that county children and youth agencies convene a review when a report of child abuse involving a fatality or near fatality is substantiated or when a status determination has not been made regarding the report within 30 days of the report to ChildLine.

Centre County has convened a review team in accordance with the Child Protective Services Law related to this report. The county review team was convened on 02/06/2017.

Family Constellation:

<u>First and Last Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	Victim child	08/01/2004
[REDACTED]	Father	[REDACTED] 1984
[REDACTED]	Mother	[REDACTED] 1985
[REDACTED]	Sibling	[REDACTED] 2005
[REDACTED]	Sibling	[REDACTED] 2007
[REDACTED]*	Paternal Uncle	Unknown
[REDACTED]*	Paternal Cousin	Age 9

* Denotes an individual that is not a household member or did not live in the home at the time of the incident, but is relevant to the report.

Summary of OCYF Child Near Fatality Review Activities:

The Central Region Office of Children, Youth and Families (CERO) obtained and reviewed all current case records pertaining to the family. CERO staff received updates and information from the staff at Centre County Children and Youth Services (CCCYS) that were involved in this case. CERO staff participated in the Act 33 meeting that occurred on 02/06/2017 in which medical professionals, law enforcement, and agency staff were present and provided information regarding the incident.

Summary of circumstances prior to Incident:

CCCYS had previously received one general protective services report on the family on 05/08/2014. This report alleged that the children were not being properly supervised and that there was not adequate food in the home. The agency was not able to validate these concerns and closed the family’s case at the intake level with no further services being provided.

Circumstances of Child Near Fatality and Related Case Activity:

On 01/14/2017, the child was transported by ambulance to UPMC Altoona [REDACTED] [REDACTED] for a gunshot wound to the head. The child had been at the local Pennsylvania State Game Commission's shooting range with his father, 11-year-old sister, uncle and cousin when he was injured. Inconsistent information has been provided by the family related to this incident. Reports were made that the child's 11-year-old sister was the one who had fired the shot, but varying accounts were provided regarding how the bullet hit her brother. During an initial minimal facts interview conducted on 01/15/2017, the father reported that the sibling had fired the gun and that the bullet had ricocheted, hitting the child. No other details were provided regarding the incident and the father refused any further attempts to interview him regarding the incident. The child's uncle has also refused to cooperate in the investigation and has refused to allow his son to be interviewed regarding the day's events. The child's 11-year-old sibling was interviewed at the local Child Advocacy Center (CAC) on 01/16/2017. She initially reported that the wind blew the bullet down into the ground, and it ricocheted and hit her brother. However, inconsistencies were noted in her further account of the events including information provided regarding whether the bullet hit the ground or hit some ice, causing the ricochet and also whether or not she witnessed the bullet hitting the ground or was just told by her father that it had hit the ground. The child was also unable to provide details regarding what she was shooting at when the bullet ricocheted. She reported that after she fired the shot, her brother dropped to the ground and began screaming. The sibling and the uncle then gathered up the weapons, ammunition, and supplies while the father placed the child in the car. The child was then transported off the local shooting range to an area where the family was able to get cell phone reception. The family then contacted emergency responders, who met up with the family and transported the child and his father the rest of the way to the hospital via ambulance.

On the date of the incident, the victim child's uncle took the other sibling and the cousin back to the family's home where the mother was home with the child's youngest sibling. The uncle and mother then went to the hospital leaving the three children (ages 11, 9, and 9 years) home alone with unsecured firearms in the home. The children were in contact with maternal relatives from Georgia during the time they were home alone and the children were provided directives to not open the door to anyone, even as the police were responding to the home.

After [REDACTED] at the local hospital, the child was transported to Children's Hospital in Pittsburgh [REDACTED]. The bullet had entered the child's right temple and proceeded through his head directly behind his eyes before exiting at his left temple. [REDACTED]

[REDACTED] The child has permanently lost his eye sight, but appears to have not suffered any serious brain injury as a result of the trauma. He was [REDACTED] about one week later [REDACTED] for two weeks prior to [REDACTED] the care of his mother.

CCCYS met with the parents and the child's siblings at the hospital the day after the incident. The parents ensured the agency that there were no firearms present in the family's home. The mother was also adamant that she would not allow her children to go to the shooting range anymore. CCCYS made a determination based on this information that the child's siblings could remain safely in the family home. However, following the child's sibling's interview at the CAC, where information was received regarding there being unsecured firearms in the home with the children, law enforcement officials obtained a search and seizure warrant and an arrest warrant for the father who was not permitted to purchase or possess any firearms due to a previous felony conviction. When the police went to the home, the father was seen in the residence, but refused to open the door. At one point, the father obtained a gun and refused to come out of the home. Law enforcement officials were able to convince him to surrender without incident. They then located and confiscated multiple unsecured firearms. The father was arrested and charged with several felony charges related to unlawful possession of firearms, but later posted bail. His preliminary hearing was held on 01/25/2017, and all charges were bound over for court. The father's whereabouts are currently unknown.

After the weapons were seized at the home on 01/16/2017, CCCYS implemented a safety plan that the father would not have any unsupervised contact with the children and the mother would not allow the children to be around firearms. The mother decided to relocate with the children to Georgia where her family is located. She has a support network there with her sister and mother. The child's siblings relocated to Georgia with the maternal aunt, a week after the incident and then following the child's [REDACTED], the mother and the child also relocated to Georgia. A referral was made to Child Protective Services in Georgia, who are currently assessing the needs of the family and ensuring that the children receive recommended follow-up [REDACTED]

Both the medical and physical evidence in this case do not support the account of the incident that the bullet ricocheted before hitting the child. Various concerns were noted by investigators regarding the father's actions following the incident, including: all the guns and ammunition had been gathered at the shooting range prior to seeking help for the child; the firearms were left in the home with the unsupervised children the evening of the incident; the children were told not to open the door to anyone even the police; and that the father had purchased seat covers and cleaning products that night to clean the child's blood out of the car. These concerns, when coupled with the prevalence of guns in the home and around the children and the father's apparent laissez faire attitude, speak to the recklessness of the father. This case was indicated on 02/17/2017, for causing bodily injury and the father was named as the perpetrator. The criminal investigation is still ongoing and no charges related to the incident have yet been filed.

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

Information in this section is copied directly from the county report.

Strengths in compliance with statutes, regulations and services to children and families;

- Centre County Children and Youth Services has complied with all relevant regulations related to this CPS report. Although caseworker [REDACTED] and Trooper [REDACTED], PSP [REDACTED] responded to UPMC in Pittsburgh within 24 hours of receiving the report, [REDACTED] was unable to be seen. It was presumed that he was safe from harm in the hospital. A request was made the following day for a courtesy contact by Allegheny County Children and Youth Services. They did visually see [REDACTED] on 01/16/17. [REDACTED] were seen on 01/15/17. All of the children were deemed safe at that time.
- The Centre County Child Advocacy Center was especially supportive of both the agency and law enforcement.
- Because [REDACTED] was too severely injured to be interviewed, a referral was made to the Centre County Children's Advocacy Center for [REDACTED] to be interviewed as a relevant witness to the shooting. Trooper [REDACTED], Assistant District Attorney [REDACTED], Caseworker [REDACTED], and Supervisor [REDACTED] all attended and observed the interview. Following the already established Centre County Child Abuse Protocol, all team members have effective collaboration and communication regarding this case. It will be reviewed regularly by the Multi-Disciplinary Investigative Team until its conclusion. Caseworker [REDACTED] and Supervisor [REDACTED] were notified of, and attended, [REDACTED] preliminary hearing, and have been apprised of all activities by law enforcement and vice-versa.

Deficiencies in compliance with statutes, regulations and services to children and families;

- None noted

Recommendations for changes at the state and local levels on reducing the likelihood of future child fatalities and near fatalities directly related to abuse;

- There seems to be a lack of education to both children and parents in Centre County related to firearm safety and the potential consequences of carelessness. While this is a statewide, if not nationwide issue, Centre County is rural and is widely known for outdoor activities related to hunting, etc. While there are hunter safety courses for children who wish to hunt, there are no courses available for general handling of firearms or firearm safety for other recreational purposes. Furthering the issue, no public entity is willing to provide this service because of the political nature of gun-control issues.
- There is no legal minimum age for a child to handle/operate a firearm. This is left to the discretion of the parents, some of whom are irresponsible at best themselves, as evidenced in this case by [REDACTED] Facebook photos of his children handling multiple firearms both at the shooting range and

inside their home. Children often do not understand the potential consequences of being careless with a firearm, as clearly the victim child's sibling in this case did not per her quote "I had no idea an actual bullet could do that." It is obvious that [REDACTED] had not taught his children about firearm safety or the consequences of being careless with a firearm.

- There is no regulation related to the minimum age that any child can be present at a public shooting range. A responsible parent could take his/her own child to the range to teach about firearms and safety, only to be injured by an irresponsible person who happened to be at the range that day.
- There is little oversight of the shooting range related to the enforcement of the rules/regulation of the facility or compliance with any laws or regulations. For example, [REDACTED], a felon prohibited from handling/possessing a firearm, could do so on public lands with no one verifying his ability to have a firearm in the first place.
- The shooting range has no security cameras to monitor activities at the range, or provide information related to what goes on at the facility. It was believed that this family was shooting from down-range toward the public parking and sitting area, possibly at signage or other structures. Law enforcement reported it is a regular occurrence to find evidence of signs, tables, trees, etc. being shot at with no way to monitor compliance with the rules and regulations established for the safety of the public. Nor is there any public landline telephone for emergency use. Further, the Pennsylvania Game Commission has no interest in changing any of their practices at this time, according to the PA State Police.

Recommendations for changes at the state and local levels on monitoring and inspection of county agencies; and

- None noted

Recommendations for changes at the state and local levels on collaboration of community agencies and service providers to prevent child abuse.

- None noted

Department Review of County Internal Report:

CERO received the CCCYS Child Near Fatality Team Report on 03/27/2017. DHS finds the county's internal report as an accurate reflection of the Act 33 meeting. The report content and findings are representative of what was discussed during the meeting on 02/06/2017. Written feedback was provided to Centre County Administration on 04/11/2017.

Department of Human Services Findings:

County Strengths:

- The agency established immediate contact with the Multidisciplinary Investigative Team, involving law enforcement and medical staff as needed.
- The agency provided efficient referrals for service and follow up to those services for the child and his siblings.

- The county review team conducted a detailed meeting regarding the intricacies of the case.

County Weaknesses:

- During the initial safety assessments, CCCYS accepted the parents' word that there were no weapons in the home as an assurance of the child's siblings' safety. The mother was dishonest in her statement that there were not firearms in the home which draws into question her ability to ensure the safety of the children and cooperate with the agency. Despite this, CCCYS still allowed the mother to act as the responsible person on the safety plan that was implemented a few days later after it was discovered that there were, in fact, firearms in the home that were not safely secured.

Statutory and Regulatory Areas of Non-Compliance by the County Agency.

- There were no noted areas statutory and/or regulatory non-compliance.

Department of Human Services Recommendations:

The Department of Human Services (DHS) offers the following recommendations to practice as a result of the findings of this review:

- Education should be provided regarding safe handling and storing of firearms, in general. While there are targeted courses offered for hunters, there appears to be little educational opportunity and materials available that target general handling, storage, and safety with firearms.