

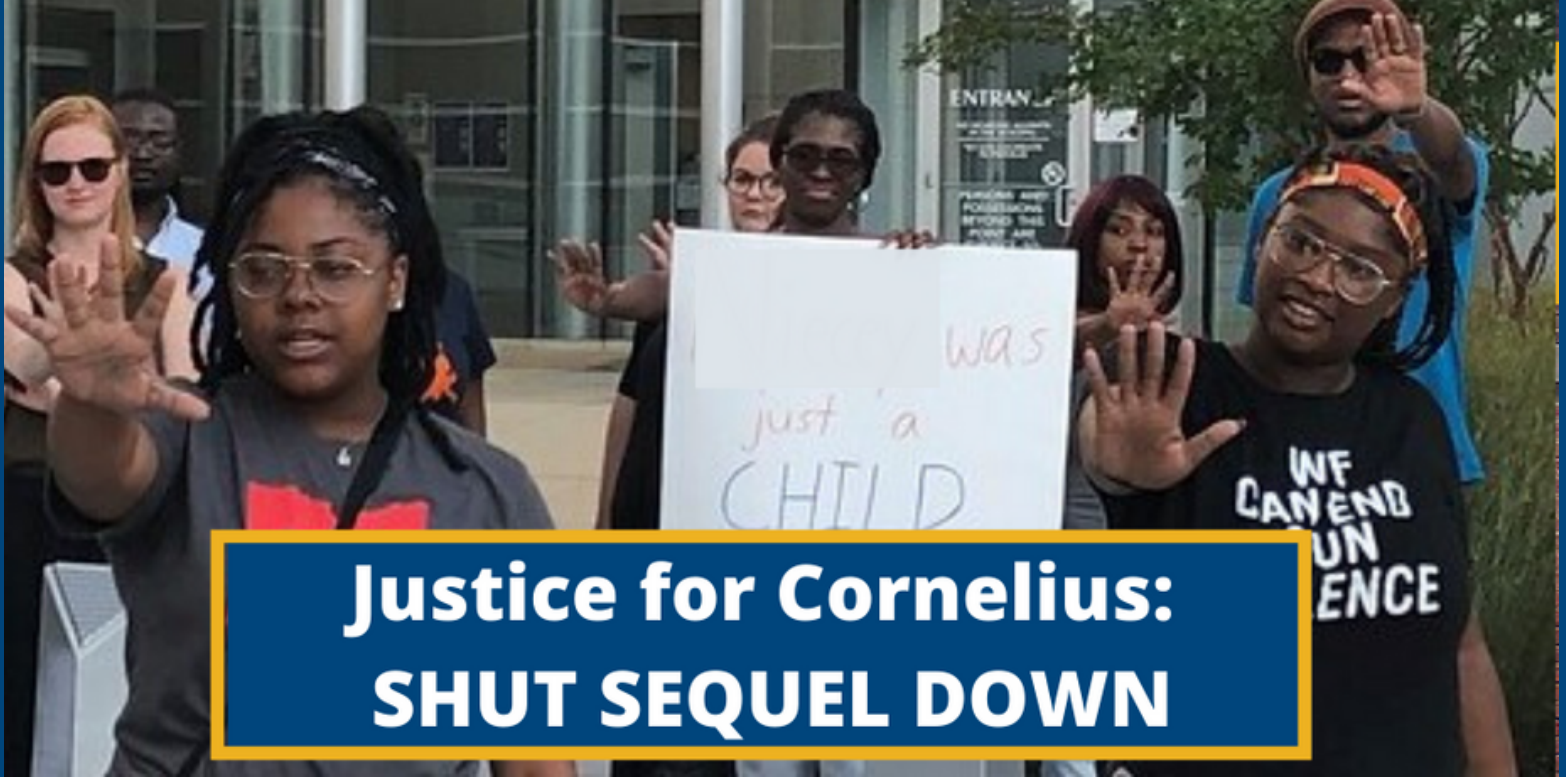
SHUT DOWN SEQUEL: PROGRESS REPORT



PREPARED BY

NATIONAL JUVENILE JUSTICE NETWORK

APRIL 2021



Justice for Cornelius: SHUT SEQUEL DOWN

JUSTICE FOR CORNELIUS

May 1st, 2021, marks a year since the appalling death of 16-year-old Cornelius Frederick after being restrained for throwing a sandwich at Lakeside Academy in Kalamazoo, MI. Cornelius' death is another example of a Black life taken too soon and underscores so many wrongs of today's youth-serving systems. From police interactions to youth placements, Black youth are often viewed as threats rather than as the children they are, resulting in their overcriminalization. Like others who have cried "I can't breathe," Cornelius' death makes it glaringly apparent that the use of dangerous restraints as a behavioral intervention has no place in our society. A closer look at Cornelius' case and the for-profit company that was charged with keeping him safe, reveals larger issues with the system.

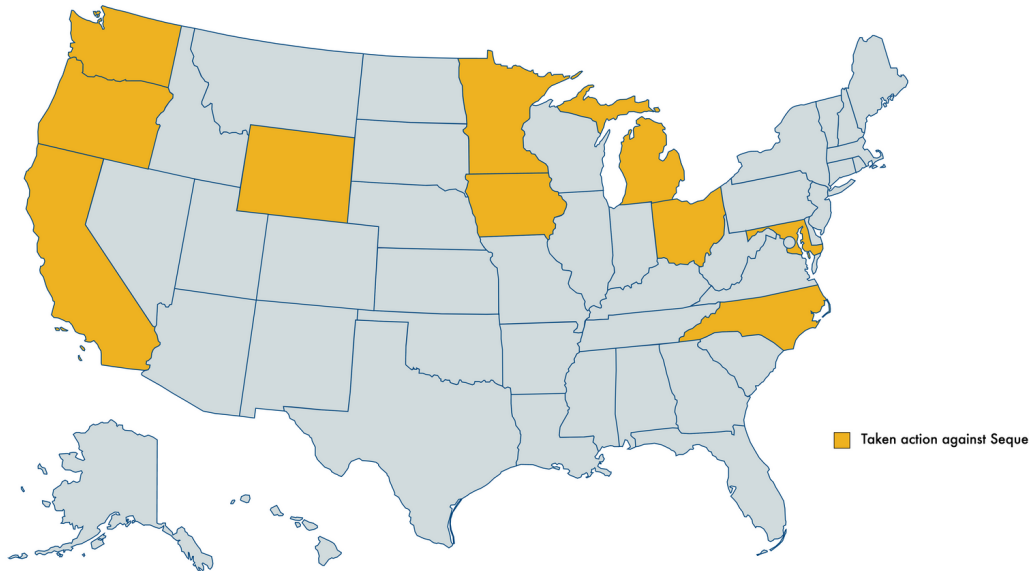
Systems that serve youth are specifically created to provide safe spaces where youth can access rehabilitative and restorative services. Yet as in Cornelius' case, our most vulnerable youth, children in child welfare and the youth legal systems, were placed at a for-profit company with a history of abuse. Rather than keeping Cornelius safe and setting him on a path to success, Cornelius was criminalized and killed for an entirely normal adolescent behavior: throwing a sandwich. All while the company responsible for his care brought in profits for their shareholders.

As we seek justice for Cornelius, we at the National Juvenile Justice Network (NJJN) demand that child-serving systems reexamine their principles. To create a system that is just for our nation's youth, we must stop warehousing youth in for-profit facilities* designed to make profit for a select few and instead invest in keeping children in their home states, equipping their communities and families in caring for and meeting the needs of our children.

NJJN has spent the last year focused on closing facilities run by Sequel Youth and Family Services like the one where Cornelius was killed. While some progress has been made, we are still far from justice. A year after the tragic loss of life, we call on states to fully ban the use of restraints on youth, stop warehousing youth in for-profit facilities, bring children home to their communities, and invest in necessary services for supports.

*Sequel Youth and Family Services contracts with both youth justice and child welfare systems. NJJN cares about the safety of all youth and contends that for-profit institutions run counter to the purpose of all child-serving systems.

A YEAR IN REVIEW OF #SHUTDOWNSEQUEL



6

Facilities no longer operated by Sequel.

5

States cut contracts with Sequel.

A LOOK BACK AT THE YEAR

On April 29th, 2020, 16-year-old Cornelius Frederick was restrained for 12 minutes for throwing a sandwich at Lakeside Academy in Kalamazoo, MI. Lakeside, run by the national for-profit company Sequel Youth and Family Services, was dogged by allegations of abuse and misuse of restraint. In the immediate aftermath of his death, National Juvenile Justice Network (NJJN) members shared similar stories of abuse at other Sequel facilities in states across the country, underscoring that Cornelius' case was part of a pattern and practice that surfaces in private for-profit youth justice facilities such as Sequel. Research of for-profit facilities shows privatization often leads to a variety of harmful outcomes, such as exceedingly dangerous conditions, incentives to incarcerate kids longer, and prioritizing profits over public safety.

As a result, NJJN in partnership with National Disability Rights Network launched the #ShutDownSequel Campaign to push states to close for-profit facilities, end contracts to place kids at Sequel facilities, and eliminate the practice of sending children out of state for care. Over the past year the campaign saw many positive results, with six facilities no longer operated by Sequel: Lakeside Academy in Michigan, Starr Albion in Michigan, Ohio Pomegranate, Clarinda Academy in Iowa, Normative Youth Services in Wyoming, and Auldern Academy in North Carolina. In addition, five states have ended contracts that placed kids in the care of Sequel Youth and Family Services: California, Maryland, Minnesota, Oregon, and Washington.

MOVING FORWARD

While preventing youth from being housed in Sequel facilities was a primary concern, larger systemic issues must be addressed to truly create just futures for our children. While we applaud states for ending relationships with Sequel Youth and Family Services, states must take additional action to address underlying issues like those that led to Cornelius' death.

We demand states:

- **Cut ties with Sequel Youth and Family Services**
- **End the for-profit warehousing of youth**
- **Ban use of harmful restraints**
- **Service youth at home in their communities**

Change is within reach. As states have severed ties with Sequel, they have also begun to lay the groundwork for a justice system that puts youth first. [California](#) and [Nevada](#) have passed legislation to ban for-profit prisons for adults that serve as a roadmap for the youth-serving systems. [Oregon](#) and [California](#) have taken steps to keep kids at home in their communities by preventing kids from being sent out of state for care. Utah passed [legislation](#) to increase regulations for residential treatment facilities, including provisions to limit the use of restraint. Michigan placed [emergency rules](#) prohibiting the use of some restraints and recently recommended banning use of all restraints and seclusion in child-caring institutions. States all across the country have begun to shift funds away from incarceration to community-based services that better serve youth at less cost. By weaving together these policies, we can eliminate the conditions that led to Cornelius' death.

Photo by Noémi Macavei-Katócz on Unsplash



A close-up photograph of a map. Several red location pins are placed on the map. A yellow road label 'Market Road' is visible on the left side. Another yellow road label 'East Road' is visible in the upper middle. In the bottom right, a yellow road label 'Station Road' is visible. The map shows a grid of streets. A dark blue horizontal band with yellow text is overlaid across the center of the image.

ROADMAP TO JUSTICE



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It's time to shift from short-term fixes to long-term solutions. We challenge states to bring kids home and keep them there.

”

K. Ricky Watson, Executive Director NJJN

SHORT-TERM FIX: #SHUTDOWNSEQUEL

In the wake of Cornelius' death, NJJN learned of dangerous conditions, abuse, and inappropriate restraint at a number of Sequel facilities. Such concerns include, but are not limited to, poor living conditions and staff abuse at [four Alabama based Sequel facilities](#). These incidents mirror harms we know [run rampant in for-profit facilities](#) and are further evidence that for-profit facilities like Sequel cannot be trusted to provide care for kids. Immediate work continues to close harmful Sequel facilities and bring youth home. Sequel continues to operate [residential treatment facilities in twelve states](#): AL, AZ, FL, IA, ID, IL, KS, NJ, NM, SD, TN, and UT. We continue to call on states to end ties with the company.

LONG-TERM SOLUTIONS

END FOR-PROFIT WAREHOUSING OF YOUTH

Continued action is needed to end the [harmful practice of warehousing youth for profit](#). For-profit youth confinement companies are driven by the bottom line. As a result, companies prioritize profits over keeping youth and communities safe. This results in companies increasing the number of youth confined to bolster revenue, while also taking cost-cutting measures such as reducing programming costs, staff, and training budgets. In doing so, companies prioritize savings over safety, sacrificing youth in the process.

Recognizing that profiteering from the incarceration of individuals is counter to public safety goals and simply inhumane, states and the [Biden Administration](#) have taken steps to end contracts with for-profit prison companies. Both [California](#) and [Nevada](#) serve as examples of how states can pass legislation to prohibit contracting with for-profit prison companies. While states have ended for-profit adult prisons, many have yet to extend similar protections to youth housed in for-profit residential facilities. Citing harms to youth in these facilities, as evidenced by Cornelius' death at Lakeside, we urge states to pass protections that prohibit contracting with for-profit companies for the care of youth in state custody.

LONG-TERM SOLUTIONS CONTINUED

BAN USE OF RESTRAINT

On the national level, the use of restraint has been called into question after countless people of color have lost their lives due to police abuse. Yet many people are unaware that similar types of restraints are still being used on children. Cornelius' case serves as a reminder of the dangers of these practices.

NJJN cannot envision any restorative rehabilitative programming that relies on restraint as a behavior management technique. We implore states to examine their restraint policies and firmly ban their use. In the wake of news breaking about Sequel and the troubled teen industry, both Michigan and Utah have taken steps to address the use of restraint on children.

In 2020, Michigan promulgated an emergency rule banning the use of prone restraint. In addition, it convened a work group focused on developing recommendations for youth in child caring institutions. The workgroup recently released recommendations, proposing an effective ban on restraint and seclusion by 2022.

Utah recently passed legislation to increase regulations for behavioral and mental health facilities that serve youth. SB 127 limits instances when congregate care facilities can use restraint and seclusion, banning peer to peer restraint specifically and requiring justification and strict reporting requirements when restraint is used. While this legislation is a step in the right direction, we challenge more states to follow Michigan's lead in banning these harmful practices.

SERVE YOUTH AT HOME IN THEIR COMMUNITIES

Research and logic both affirm that youth are best served when at home in their communities. This holds true for youth who find themselves in trouble with the law. Youth confinement is costly, harmful, and often lacks necessary resources for rehabilitation. Communities, too, are safer when youth are not confined. Research shows incarceration can actually increase the likelihood of a child reoffending.

In the case of Sequel, and other for-profit care settings, youth are often sent across state lines out of their communities to receive therapeutic services only to be isolated from their home communities and confined to harmful conditions. Recognizing this, states are ending the harmful practice of sending kids out of state.

California in particular serves as model for states to emulate moving forward. In the wake of Cornelius' death, California committed to bringing home all youth placed out of state in Sequel's care, allocating \$8 million dollars to in-state housing and behavioral health services for youth.

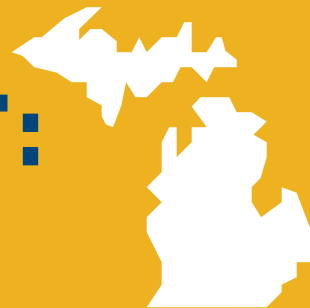
Similarly, there is a strong movement to close youth prisons and invest in a community-based continuum of care that meets the complex needs of youth. Across the country, we have seen states make the decision to close youth prisons and invest in community-based programs. As these steps are taken, it is imperative that states evaluate all congregate care settings and continuously strive to keep youth in their communities, wrapping youth in services and supports to best serve youth, communities, and public safety.



STATES LEADING THE WAY



CAMPAIGN SPOTLIGHT: MICHIGAN



LAKESIDE LICENSE REVOKED

In response to the death of Cornelius Frederick, the [Michigan Center for Youth Justice](#) (MCYJ) launched a [multi-faceted campaign](#) that mobilized local, state, and national advocates.

In order to increase pressure on the Governor's office to end all ties with Sequel, MCYJ began examining Lakeside's licensure violations, which are publicly available on the Michigan Department of Health and Human Services (MDHHS) website. MCYJ then compiled this information into a document to expand public awareness about the repeated harms youth faced in the facility, and to prompt state leadership to act to protect the young people housed there. To increase awareness, MCYJ, NJJN, and the [Youth First Initiative](#), hosted a social media day of action. This included a call for signatures on a [petition](#) that called upon Governor Whitmer to close Sequel facilities.

STARR ENDS SEQUEL CONTRACT

Not long after, the Michigan Department of Health and Human Services began the process to revoke Lakeside Academy's license to operate and [Governor Gretchen Whitmer](#) announced that the state was taking steps to ensure that Sequel Youth and Family Services was barred from providing services in the state. [Starr](#), another Sequel-operated facility, voluntarily ceased its operations for the time being, in addition to ending their contractual relationship with Sequel. With this termination, Sequel is no longer operating in Michigan.

MICHIGAN CUT TIES WITH SEQUEL

As the state continued to examine conditions that led to Cornelius' death, MCYJ researched restraint laws and strategies to improve facility oversight. They also submitted a Freedom of Information Act (FOIA) request seeking copies of the facility's contracts and corrective action plans, information about where the youth were rehoused, and how many Michigan youth were currently placed out-of-state. As part of this process, MCYJ developed new relationships with the Office of the Children's Ombudsman and the MDHHS licensing division and was invited to participate in multiple workgroups to improve transparency and accountability in facilities. As a result of the work group, MDHHS proposed [promising recommendations](#), including effectively banning restraint.

YOUTH RESTRAINT BAN

At the local level, MCYJ partnered with Promise Advocacy for Children and Community Transformation (PAACT), a youth-focused advocacy organization based in Kalamazoo (where Lakeside is situated) to facilitate community listening sessions. As a result of these listening sessions, PAACT and MCYJ were invited to participate in the Kalamazoo Community Foundation's Truth, Racial Healing and Transformation roundtable to discuss the dangers of for-profit facilities and alternative uses for the Lakeside Campus. Lakeside's campus has since been sold to a private developer; plans for the campus are currently unknown.



CAMPAIGN SPOTLIGHT: MINNESOTA

After learning of Cornelius' death, [The Legal Rights Center](#) (LRC) looked into Minnesota's community contacts and learned that at the time of Cornelius' placement at Lakeside Academy, there were four youth from Hennepin County who were also placed there. "That information was also known by other members of our community who reached out to us to say, 'We have to do something together in this moment.' We see it as yet another example of a Black life being taken by the system," said Malaika Eban.

LRC worked with community partners to write a demand letter calling for Hennepin county to fully stop the placement of youth in correctional facilities. Cornelius Frederick's death coupled with concerns about the Covid-19 pandemic served as examples of why that type of placement is not safe for Black and Brown children.

In a [press conference](#) on the steps of the County administration building, the Legal Rights Center in partnership with Racial Justice Network, reiterated their call to end placement of youth in correctional facilities. As a result of these actions, the [county ended their contract](#) and agreed not to place any more youth in Sequel facilities. Minnesota's state department of corrections made a similar commitment.

“

**It is yet
another example of
a Black life taken
by the system.** ”

- Malaika Eban of Legal Rights Center Minnesota
regarding Cornelius' death and the need to keep kids
at home.



Photo by Obi Onyeador on Unsplash

CAMPAIGN SPOTLIGHT: OHIO



Much like Lakeside, girls held at Ohio's Sequel Pomegranate, a facility charged with caring for teens with mental health and behavioral health needs, reported staff weaponizing restraint. [10 Investigates in Ohio](#) reported girls claiming to be restrained for “showing emotion” and being threatened by staff that they “would make it hurt more” if girls resisted restraint. Such abuse was only a piece of the puzzle, with numerous documented allegations of physical and sexual assault by peers and staff.

What started with [findings from Disability Rights Ohio](#) about inappropriate restraint and numerous abuses at Sequel Pomegranate, led to a long battle to remove kids from the facility and revoke its operating license. On December 10th, Sequel relinquished their license for its 74 bed residential facility pursuant to a settlement agreement with the Ohio Department of Mental Health and Addiction Services (OhioMHAS). While this is a critical step to ensure no kids would be subject to continued abuse, the state left the option open for Sequel to reapply for licensure after ten months.

Recognizing youth were in jeopardy, NJJN member [Juvenile Justice Coalition Ohio \(JJC-OH\)](#), in conjunction with other local advocates including ACTION Ohio, Disability Rights Ohio, InterReligious Task Force on Central America and Colombia, Northeast Ohio Black Health Coalition, Ohio Immigrant Alliance, Ohio Student Association, OHIO Youth Advisory Board, River Valley Voices in Action, and Vincentian Ohio Action Network, [called on the state](#) to revoke Sequel's operating license.

“Revoking Sequel Pomegranate's license was the only appropriate decision,” said Kenza Kamal of JJC-OH. “Sequel has shown us time and again that it cannot safely care for our youth. They promised trauma-informed psychiatric care to vulnerable teenagers and their families and instead allowed a negligent and violent culture to run rampant. Let's be clear: this facility has no place in Ohio or anywhere in this country.”

NJJN's Executive Director Ricky Watson echoed the sentiment adding, “While Sequel Pomegranate is the latest in the news, we've seen documented abuses at Sequel facilities across the country. We applaud Ohio for this critical step, but the work continues to ensure all states stop warehousing youth for profit, which includes closing facilities subjecting youth to abuse like Sequel Pomegranate.” NJJN, JJC, and DRO remain vigilant to prevent Sequel Pomegranate from regaining its license, planning continued advocacy over the coming months.

“Sequel has shown us time and again that it cannot safely care for our youth,” said Kenza Kamal of JJC-OH. “Let's be clear: this facility has no place in Ohio or anywhere in this country. ”



MORE NOTABLE WINS



California:

Over 6 years, California had sent more than 1,240 youth to various Sequel locations making them one of the top revenue sources for the company. California had actively been contracting with Lakeside when Cornelius died. As a result of his death, California youth housed at Lakeside were brought home and the state ended their contracts with Sequel facilities. In January 2021, the California legislature allocated \$8 million dollars for counties to use to recruit foster families and increase mental health and behavioral health services.



Oregon:

In the wake of Cornelius' death, Oregon ended their contracts with Sequel facilities and removed all foster youth from out-of-state facilities. In addition, the state legislature passed SB 1605 to increase standards for out of state residential facilities that are able to house Oregon foster children.



Washington:

NJJN member Team Child, worked with a broad coalition of members including ACLU of Washington and Washington Disability Rights, to call on the state to stop sending kids to Sequel facilities after restraint concerns in facilities in Illinois and Idaho. As a result of their advocacy, the state ended their contract with Sequel.

ACKNOWLEDGMENTS

Alyson Clements, NJJN Director of Membership and Advocacy, served as the primary author of this report. While the content of the report reflects the views and ideas of NJJN, we could not have achieved any wins without the support of our members and partners. We would like to thank you all for your support in the pursuit of real justice for youth. Special thanks to:

NJJN Members

Juvenile Justice Coalition Ohio
Michigan Center for Youth Justice
Legal Rights Center Minnesota
Southern Poverty Law Center
Team Child Washington
Wyoming Children's Law Center

State Partners

Disability Rights Ohio
The Alabama Disabilities Advocacy Program

National Partners

National Disability Rights Network
Youth First Initiative

Individuals

Emma Paine
Michelle Weemhoff

ABOUT NJJN

The National Juvenile Justice Network leads a membership community of 60 state-based organizations and numerous individuals across 42 states and D.C. We all seek to shrink our youth justice systems and transform the remainder into systems that treat youth and families with dignity and humanity. Our work is premised on the fundamental understanding that our youth justice systems are inextricably bound with the systemic and structural racism that defines our society; as such we seek to change policy and practice through an anti-racist lens by building power with those who are most negatively affected by our justice systems, including young people, their families and all people of color. We also recognize that other vulnerable populations - including LGBTQIA+, those with disabilities and mental illness, girls and immigrants - are disparately and negatively impacted by our justice systems, and thus we also seek to center their concerns in our policy change work

DEDICATION

We dedicate this report to the countless survivors of for-profit youth facilities and to Cornelius who should still be with us today.

