

Personal Injury Litigation: The Leach Case



\$10.5M ends suit over slain DHS teen

Family of boy strangled at Tenn. center settles suit for \$10.5 million

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Omega Leach was 17 when he was strangled in 2007.

The family of a Philadelphia teenager who was strangled after being placed in a restraint hold at a Tennessee treatment center has settled a federal lawsuit against the facility for \$10.5 million.

The family of Omega "Manny" Leach, 17, agreed to drop claims against the city and its Department of Human Services, which sent the troubled teen to the Chad Youth Enhancement Center despite warnings that it was dangerous.

A key piece of evidence, said family attorney [Thomas R. Kline](#), was a photograph from a surveillance camera showing a Chad mental-health technician with both hands around Leach's neck as he pinned him to the floor.

Tennessee authorities ruled Leach's death a homicide, but the mental-health worker, Randall Rae, has not been charged with a crime.

Rae no longer works at Chad, and Philadelphia stopped sending emotionally troubled children there shortly after Leach's 2007 death.

At the time, 44 Philadelphia children and teenagers were at Chad, in Ashland City in north-central Tennessee, all under DHS oversight.

Chad, now the Oak Plains Academy, has been owned by Universal Health Services Inc., a for-profit company based in King of Prussia, since 2005. Leach's family agreed to drop the suit against UHS.

Daniel Sherry, an attorney for Chad and UHS, said the settlement, which was completed last Friday, did not include an admission of wrongdoing.

"It was a resolution of a disputed claim with a tragic outcome, but no one admits fault," he said. "Obviously, there were differing views of what occurred. It was felt, for everyone's sake, that it was best to put this behind us."

But Kline said the settlement amount "speaks volumes to the family" and should have "a prophylactic and a deterrent effect on institutions like this around the country."

Leach, he said, "should have been rehabilitated, rather than ending up in the grave."

A Family Court judge sent Leach to Chad for mental-health treatment after he violated his probation for missing a court hearing and testing positive for marijuana.

The confrontation with Rae began a month later when Leach refused to leave his room, according to court documents filed by the plaintiff.

Rae pushed Leach into the hallway, threw him to the ground, and began choking him, according to the documents.

The staffer then forced Leach back into his room, where eyewitnesses reported that he slammed Leach's head into a wall and pinned him facedown on the floor for seven minutes.

A nurse who entered the room noticed that Leach was not breathing and did not have a pulse, according to the plaintiff's documents. Leach died the next day at a hospital.

Between 2001 and Leach's death, the city sent scores of youngsters with emotional problems to Chad, saying no Pennsylvania facility would take them. The city paid Chad \$6 million in the last three years that it used the center.

The city had numerous warnings that children were being violently subdued and injured at Chad but continued sending children there until Leach's death.

In September 2005, the city learned that a 14-year-old Long Island, N.Y., girl had died of a heart attack after a confrontation with staff.

Although Chad was cleared of any wrongdoing, New York and Tennessee stopped sending children there.

After Leach's death, many of the allegations of problems at Chad were first reported in The Inquirer.

In 2005, a tipster warned DHS that staff members were using "improper and illegal" force against Philadelphia children.

In response to that anonymous caller, who identified himself as a Chad employee, DHS sent an investigator to the facility. The investigator found that all 14 Philadelphia youths there had been restrained, some as many as five times. One was cut while being restrained, and Chad did not report the injury to regulators. Despite the findings, the city continued to send youths to the facility.

The plaintiff's court documents described Chad as having "a history of frequent and improper restraints of its residents" long before Leach arrived.

From June 2006 to June 2007, the center's staff used restraint procedures 1,363 times, resulting in 129 injuries and 10 trips to the emergency room, the documents said.

As a result of Leach's death, DHS greatly reduced the number of children sent to out-of-state facilities. In the last year, the agency has cut the number by half, officials said.

Kline, speaking for Leach's family, said the settlement provided members "some measure of justice."

"It validates that there was wrongdoing, in their minds," he said. "We established conduct that cannot be defended."