

EX23

PUBLIC LOG

Report of Investigations

P12B

Instructions

Area Directors and Facility Heads shall maintain a public log for each complaint received, as required under 104 CMR 24.10(2). This form shall be completed in full, but should not mention by name any of the parties to the complaint. A copy of each new log entry shall be forwarded to the Office of Internal Affairs on a monthly basis.

1. Docket Number 4-WSTH-88-033

2. Statement of incident, condition or complaint as alleged by complainant (include name of program):

Client was found with a swastika on his buttocks
written in pen. HRO reports that patient is blind
and dependent and has been victimized before.

TYPE OF INCIDENT (Check all that apply)

- Physical Abuse
- Verbal Abuse
- Negligence
- Environmental Issue
- Restraint/Seclusion
- Staffing Issue
- Other

CLIENT STATUS

- Gender: Male Female
- Program type: MH MR Child
- Day Residential
- Inpatient Outpatient
- Program site: Community Institution

3. A. Complaint filed:

Date: 10-7-88

B. Initial Decision/ Investigator appointed:

Date: 10-7-88

C. Report of Investigation Filed:

Date: 12-28-88

D. Subsequent Decisions:

Date: 1-6-89

E. Appeal to Deputy Commissioner

Date: _____

F. Appeal to Commissioner

Date: _____

G. Other Relevant Events (Specify): _____

Date: _____

COMPLAINANT STATUS

- Client
- Employee
- HRC/ERO
- Relative
- Other

PERSON COMPLAINED OF:

- Client
- Employee
- Other

INITIAL DECISION

- Investigator appointed
- No investigation needed
- a. No Dispute
- b. Frivolous
- c. Resolved in 5 days
- d. Over 1 year old

4. Description of final report or decision and action taken by the Person in Charge:

Substantiated: One staff terminated. One staff
received five-day suspension. one staff received
letter of reprimand.

COMPLAINT FINDINGS:

- Substantiated
- Unsubstantiated
- Substantiated in part

ACTION:

- Training
- Suspension
- Termination
- Reprimand/Warning
- Policy Review
- Policy Change
- Policy Development
- Case/Treatment Plan Review

5. Personal Identities

Person in Charge Name: Alan J. Zamdini, C.O.O.

Investigator Name: John McGinn, Int. Affairs

District Manager Name: _____

General Counsel Name: _____

Commissioner Name: _____

Hearing Officer Name: _____

OTHER AGENCY INVOLVEMENT

- District Attorney
- State Police
- Local Police
- Attorney General
- EOBE
- Dept. of Social Serv.
- Dept. of Public Heal.
- Elder Affairs
- Office for Children
- Dept. of Youth Serv.
- Disabled Persons Protection Commission
- Other
- Grievance filed
- Civil Service Appeal

TE23,

FOR PROGRAM USE ONLY:
Date Received: 10-7-88
Received by: RA
Log#: 4-6511-88-033
Referred to: JOHN Mc. FORD

COMPLAINT FORM

(Use back of this form or attach a supplement to provide additional information if there is not enough room below.)

1. Name(s) of complainant(s):	Status*	Address and Tel.# (or Program Name)
a. <u>[REDACTED]</u>	<u>C</u>	<u>Chloride Ave. Unit</u>
b. _____	_____	<u>Res. 4</u>
c. _____	_____	_____

2. Name(s) of person(s) complained of (if any and if known):	Status*	Address and Tel.# (or Program Name)
a. <u>?</u>	_____	_____
b. _____	_____	_____
c. _____	_____	_____

3. Other client(s) thought to be harmed by the matter complained of (if any and if known):	Status*	Address and Tel.# (or Program Name)
a. _____	_____	_____
b. _____	_____	_____
c. _____	_____	_____

4. Person filling out form (if other than above): City Clerk

William R. G. Goff Date: 10/6/88

5. When did matter complained of occur (date(s) and time(s))?

@ found on 9/30/88 on D4

6. Where did matter complained of occur? D4

7. What happened (be as specific as possible: Use back of form and additional sheet if necessary)? Suitant [REDACTED] was found with a guarantee on his [REDACTED]

written in [REDACTED]

*For "Status", please write "C" if a client, "E" if an employee, "H" if Human Rights Committee, "P" if the person in charge, or "O" if other.

S.24.13: Appendix of Forms
Form DDf I-I (page 2)

8. What happened (continued):

It was determined on 10/6 by (HRD) that he was unable to give any specific information. It is a dependent, female, head man who has been mentioned in the past (see complaint log # 4B-Wtd. -87-189)

9. Supplemental information:

[Empty lined area for supplemental information]

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CONFIDENTIAL

INVESTIGATION REPORT

LOCATION: WESTBOROUGH STATE HOSPITAL
DATE OF INCIDENT: September 30, 1988
DATE OF REPORT: December 28, 1988
COMPLAINT LOG NUMBER: 4/WSTH/88/033
INVESTIGATOR: JOHN F. MCGINN, HOSPITAL INVESTIGATOR
PERSON IN CHARGE; ALAN J. ZAMPINI, COO

I. THE COMPLAINT

Complaint Number 4/WSTH/88/033 was filed by Kathy Samko, acting human rights officer at the Westborough State Hospital. The complaint stated that client [REDACTED] was observed with a swastika drawn on his buttock with a pen. The client was interviewed but was unable to give specific information. [REDACTED] is a dependent, Jewish, and blind man who has been victimized in the past. (See complaint log number 4B/WSTH/87/189.

II. THE INVESTIGATIVE PROCESS

A. Appointment of the Investigator

John F. McGinn, Internal Affairs investigator was appointed as investigator by letter from Alan J. Zampini, Chief Operating Officer of the Westborough State Hospital on October 7, 1988.

B. Witnesses interviewed

Clients [REDACTED] and Frank Campbell were interviewed. The following staff members were interviewed: Barbara Junkins, R.N., Assistant Director of Nursing, Daniel Building, LeRoy Carter, R.N., 11:00 p.m. to 7:00 a.m. shift supervisor of the Daniel Building, Linda Amarillo, R.N., head nurse, Daniel 4 unit, Leona Whitney, R.N., head nurse, 11:00 p.m. to 7:00 a.m. shift, Daniel 4 unit, Myrna Claxton, MHW III, Michael Gordon, and Joseph Zamaimetes, MHW II.

C. Documents

The following documents can be found in the appendix: The complaint and the letter of appointment of the investigator, excerpts from the medical records of client [REDACTED], [REDACTED] client's rights information, a copy of investigation report 4B/WSTH/87/189, statements of staff, Mr. Gordon's reprimand, Ms. Whitney's and [REDACTED] drawing of a swastika and letters from the personnel file of Ms. Whitney.

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D. Physical Evidence

Polaroid photographs of swastikas drawn on the census board of the Daniel 4 Unit are on file with the master appendix in the Internal Affairs Office at Westborough State Hospital. The swastika found on [REDACTED] by staff members on September 30, 1988 was removed immediately by staff members because of its hateful and obscene nature. It was removed before it could be photographed by the investigator.

III. FINDINGS OF FACTA. BACKGROUND INFORMATION

1. [REDACTED] is a 40-year-old client of the extended care unit, Daniel 4 of the Westborough State Hospital. [REDACTED] is a single, white male of the Jewish faith who has been blind since birth. Because of his blindness, it is doubtful [REDACTED] would know what a swastika looked like and would not be able to draw the symbol. During the interview he stated he knew what a swastika looked like and could draw a swastika but was unable to draw anything resembling a swastika. [REDACTED] is diagnosed as chronic undifferentiated schizophrenia, 295.92, Axis II deferred, 799.90, and has been treated for mental illness since September of 1966. [REDACTED] was not coherent and was inconsistent in his remarks throughout the interview. The swastika was discovered on [REDACTED] buttock on September 30, 1988 by head nurse Linda Amarillo who ordered the symbol to be washed off immediately.
2. [REDACTED] is a 36-year-old client of the Daniel 4 unit of the Westborough State Hospital with a diagnosis of paranoid schizophrenia chronic axis deferred 295:32. [REDACTED] was interviewed because he has stated that he was once Adolph Hitler, he has a fixation on the history of the Nazi Third Reich and reportedly wears a ring with a swastika emblem. [REDACTED] stated to staff that he had knowledge of who drew the swastika on [REDACTED] Mr. [REDACTED] is a graduate of Boston College and was alert and verbal throughout the interview but he could not identify the person who drew the swastika on [REDACTED] or provide information about the incident.

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3. Barbara Junkins, R.N. is assistant director of nursing for the Daniel Building at the Westborough State Hospital. Ms. Junkins went on vacation on October 6, 1988 and returned October 17, 1988. The incident which occurred on September 29/30, 1988 but was not reported to Ms. Junkins prior to her departure for vacation.
4. Leroy Carter, R.N.IV. is the nursing supervisor for the Daniel Building unit four at the Westborough State Hospital and works on the 11 p.m. to 7 a.m. shift. Mr. Carter supervises the staff of Daniel 4. He is a U.S. Army veteran of the Korean conflict.
5. Linda Amarillo, R.N., is a head nurse on the 7:00 a.m. to 3:00 p.m. shift on the Daniel 4 unit of the Westborough State Hospital. Ms. Amarillo discovered a swastika drawn on the buttock of client [REDACTED] on September 30, 1988. Additionally Ms. Amarillo discovered two swastikas drawn on the Daniel 4 census board on October 20, 1988. Ms. Amarillo reported both incidents immediately to superiors.
6. Leona Whitney, R.N. III, is a head nurse on the Daniel 4 unit at Westborough State Hospital. Ms. Whitney has 20 years experience as a nurse and was formerly a nursing supervisor before taking a voluntary demotion to R.N. III. Ms. Whitney has four children.
7. Joseph Zamaites, MHW II, is a 7:00 a.m. to 3:00 p.m. employee of the Daniel 4 unit of the Westborough State Hospital. Mr. Zamaites witnessed the swastika on [REDACTED] and gave an accurate location of the swastika and a description of the swastika.
8. Myrna Claxton, MHW III, has been employed as an MHW III at the Westborough State Hospital for the past three years. Ms. Claxton is assigned to the Daniel 4 unit on the 11:00 p.m. to 7:00 a.m. shift. Ms. Claxton was interviewed about the swastika drawn on [REDACTED] and the symbols that were drawn on the unit census board. Ms. Claxton related a conversation that occurred between Ms. Claxton and Ms. Whitney in which Ms. Whitney said she had drawn "dots" on the buttock of [REDACTED].
9. Michael Gordon, MHW, was employed as an MHW for less than three months and was terminated on December 3, 1988 from employment at Westborough State Hospital. Mr. Gordon drew two swastikas on the census board of the Daniel 4 unit that were discovered by Linda Amarillo,

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R.N. The investigation into the two swastikas on the census board led directly to the information that Ms. Whitney had drawn on the body of [REDACTED]

- 10. Jodi Lobisser, MHW I, is assigned to the Daniel 4 unit of the Westborough State Hospital. Ms. Lobisser witnessed Mr. Gordon drawing the swastikas on the census board and reported on the conversation and the intent of the incident when it occurred.

B. REVIEW OF THE INCIDENT

INCIDENT NOTE: On September 30, 1988, client [REDACTED] was discovered with a swastika drawn on his left buttock. On October 20, 1988, two swastikas were drawn on the census board of the Daniel 4 unit. During interviews into the swastikas being drawn on the census board it was learned, through witnesses and her own admission, Leona Whitney, R.N., had drawn on the left buttock of [REDACTED]. Ms. Whitney denied her drawing was a swastika.

- 1. [REDACTED] was interviewed by hospital investigator John F. McGinn with George Martin, LICSW and case coordinator for [REDACTED]. The interview was conducted in Mr. Martin's office at Westborough State Hospital.

The interview lasted more than 40 minutes. During the interview [REDACTED] spoke incoherently and would not cooperate with the interview.

It was the opinion of Mr. Martin, the investigator and several other staff members that [REDACTED] knew who drew the swastika on his person but he would not name the person. [REDACTED] named several persons including himself as the person who drew the swastika.

[REDACTED] when asked to draw a swastika, could not form a semblance of the symbol. At least one person he named as having drawn on him was not working on the unit when the event occurred.

The swastika was discovered on the left buttock of [REDACTED] about three inches below the belt line on September 30, 1988 by Linda Amarillo, R.N., head nurse of the Daniel 4 unit. The swastika was seen by MHW Joseph Zamaites who described the swastika as being the size, approximately, of a U.S. dime.

*Hear
Nurse*

- 2. [REDACTED] is a Westborough State Hospital client who was interviewed concerning the swastika drawn on client [REDACTED]

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The interview was held on the Daniel 4 unit on October 20, 1988 at 8:15 p.m.

[REDACTED] is a college graduate, is articulate but did not appear to have any information other than hearsay conversations among clients of the unit.

He stated he did not know the client well. [REDACTED] said he knew [REDACTED] because he was blind and added that he felt sorry for him because he was blind.

[REDACTED] stated he heard that [REDACTED] had "a swastika drawn on his butt," and he thought that an unknown patient had told him about the incident.

[REDACTED] said he thought about how it could be done and he stated he did not know how anyone could get [REDACTED] down because [REDACTED] is pretty active. [REDACTED] said he did not think anyone could do it (draw the swastika) because he [REDACTED] would wiggle to much.

The client said he could not think at the moment who had done it (drawn the swastika) but he would try to think about it. He stated again he could not think of anyone who may have done it. He said it was hard to imagine a staff member would do it.

3. Barbara Junkins, R.N., is the assistant director of nursing for the Daniel 4 unit at Westborough State Hospital. Ms. Junkins was unaware of the swastika drawn on the buttock of client [REDACTED] and learned of the incident from the investigator on her first day back from her vacation. She had left the unit on Thursday, October 6, 1988, and had not been told of the event which occurred on 9/29/88.

She said she immediately discussed the issue with supervisor Lillian Duval as to why she had not been notified of the incident.

Ms. Junkins said she had never had a problem of this matter in the past and she had hoped the incident was not done by a staff member.

She stated patients do have access to pen and paper and that she had made recommendations to staff about unsafe items such as pens and pencils on the unit. She stated this issue is under review by policy and procedure and will be addressed.

She raised the issue of failing to notify her with the staff and sought feedback from the staff. Ms. Junkins had no further information on the matter.

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4. LeRoy Carter, R.N. IV, is night supervisor on Daniel 4, with 23 years in the DMH. Mr. Carter came to Westborough State Hospital from Medfield State Hospital in February of 1986.

Mr. Carter said he was aware of [REDACTED] (as a client on the unit) and heard of the marking on his buttock. He stated that when asked by Barbara Junkins if he had any knowledge of the incident he said he knew there was some marking but he did not know it was a swastika.

The nurse said [REDACTED] can take off his clothes but needs assistance to shower, The nurse said, based on his blindness, he, Mr. Carter, would not let [REDACTED] shower alone.

Some clients are capable of showering alone but [REDACTED] definitely is not capable of showering alone, the nurse stated.

Mr. Carter stated he did not hear of any staff drawing or putting any marks on Mr. Singer. Mr. Carter said, "he has thought about it, and thought about it in the context of what it would mean, and that he has tried speculating on who would draw on [REDACTED]"

He said he has no facts, but from pure speculation, he suggested the only person with such a tendency is Mr. Campbell who has books on the nazis, on the war, and has war like games.

Mr. Carter stated Mr. Stanley Clark often gives a standing salute and that was all his speculation was to get an idea of who to watch.

The supervisor also said he never saw Stanley with a pen in his hand and that he could not imagine Stanley doing it (drawing the swastika on [REDACTED])

Mr. Carter was interviewed on a second occasion after it was learned Ms. Leona Whitney, R.N., had drawn on the buttock of [REDACTED]

Mr. Carter was asked about a conversation he had with Ms. Whitney about her drawing on [REDACTED]

Mr. Carter said, "She (Ms. Whitney) said something about some dots, I don't know what it was about. I did not want to get into it, I did not want to jeopardize myself by getting involved. I did not want to cast aspersions on anyone."

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When asked when the conversation occurred, Mr. Carter stated, " I don't remember exactly when the conversation occurred, it seems it might have been in the form of questions. The questions went around... about a swastika, there was nothing about dots."

Mr. Carter was asked what was said about the dots and swastikas. He responded, "I have been thinking a lot about it. I have been looking for something reasonable, I don't see it in a reasonable way. I don't respond in a concrete way."

Mr. Carter stated he was aware Ms. Whitney had personal problems (unrelated to work) when he was having the discussion with Ms. Whitney.

He stated he mentioned to Ms. Whitney that "it" had to do with a swastika. "We had a conversation about it regarding the sensitivity (of the matter) and how important it would be to be sensitive" (to a swastika on a patient).

"Someone around the holocaust would feel very sensitive about how important that (drawing a swastika on a patient) would be. Someone around at the holocaust would feel very sensitive and anyone who was human would be sensitive to it," Mr. Carter reported he said to Ms. Whitney.

Mr. Carter said Ms. Whitney did not feel so much should be made of it (drawing the swastika on the patient) because she (Ms. Whitney) was of another generation.

As her supervisor, Mr. Carter stated the nurse functions O.K., but she has so many problems "she lays them off on someone else." He stated a day supervisor stated to him, "all she does is bitch and gripe." Mr. Carter did not recall the name of the day supervisor.

Mr. Carter was asked if he recalled a conversation between himself and MHW Myrna Claxton. Ms. Claxton stated she told Mr. Carter that Ms. Whitney had drawn on [REDACTED] Mr. Carter responded, "she may have mentioned it, but I don't remember her (Ms. Claxton) mentioning it."

5. Linda Amarillo, R.N. is the head nurse on the 7:00 a.m. to 3:00 p.m. shift on the Daniel 4 unit at the Westborough State Hospital. Ms. Amarillo was interviewed on October 13, 1988, in a unit conference room.

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Ms. Amarillo said she discovered the drawing on the morning of September 30, 1988 while [REDACTED] was laying in the seclusion room. The nurse stated [REDACTED] had pulled down his pants and exposed his buttocks

The nurse stated the swastika was unfinished, undefined but one could tell what it was. One arm of the swastika was missing. She stated it was drawn in a blue ball point pen.

Ms. Amarillo stated that eight days prior to the incident on September 22, 1988 [REDACTED] was taken off one to one level of supervision and placed on 15 minute checks. He was on 15 minute checks when the swastika was drawn and was immediately returned to one to one supervision when the symbol was discovered.

Ms. Amarillo stated she asked [REDACTED] who put it (the swastika) on, and she stated he ([REDACTED]) would not answer her question. She went into unit rounds 15 minutes later and told the group and treatment team about the swastika.

The nurse also told the MHW who was showering [REDACTED] to wash it (the swastika) off. She stated it would not all come off and had to wear off.

"I wrote a late note on the incident, I don't know who told me to write the note, it must have been Lillian (Lillian Duval, day supervising nurse). She (Ms. Duval) stated there was going to be an investigation and she (Ms. Amarillo) had better write a late note." Ms. Amarillo stated.

If the swastika had been there any time it would have been noticed, Ms. Amarillo noted. She stated it did not look old and she told team leader Andrea Weisman about the matter at rounds. She also raised the matter at regular rounds to staff members.

6. Leona Whitney, R.N. III, head nurse of the Daniel 4 unit was interviewed by John McGinn on the Daniel 4 unit at 1:30 a.m. in a conference room. Ms. Whitney declined union representation and signed a letter to that effect.

Ms. Whitney is the mother of four children and has been in the Department of Mental Health system for 20 years. She began her career in the Grafton State Hospital and has some broken service. She was a supervisor on the second shift and took a demotion to the third shift. She stated this move was made to be able to care for her young children at home.

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Ms. Whitney's speech appeared pressured during the interview and her manner was extremely anxious. She responded to some questions with inappropriate answers in that they were unrelated to the question put forth.

Ms. Whitney stated client [REDACTED] knows her very well and "can tell me from 20 feet away." Ms. Whitney stated the client always asks personal questions of the nurse.

The nurse then stated Gregory Bertsch, behavioral psychologist, conducts an in service on Wednesday nights with patients and developed a token plan which relates behavior to purchase ability. She stated that she mentioned this matter because [REDACTED] was responding to the treatment program.

Ms. Whitney stated Client [REDACTED] was interested in approval or disapproval by her and would ask questions of her concerning bowel movements and if the nurse had her menses. She said this is long term behavior in which the client attempted to get involved with the nurse. Ms. Whitney stated she did not want the client calling her by name and greeting her as he had done.

Ms. Whitney stated client [REDACTED] knows her scent and calls her name when he approaches her. She stated he calls her Lee or Whitney. She stated he is not assaultive during these communications and she can't remember assaultive behavior by him toward her.

She said he is on one to one level of supervision a good portion of the time. She stated she does not usually deal with Client [REDACTED] because "I try to deal with women (patients)."

Ms. Whitney had stated during the interview that for the previous month client [REDACTED] had not called her by name. Ms. Whitney stated she had spent time with the client and with Gregory Bertsch on Daniel 5.

When asked when she learned of the swastika being drawn on client [REDACTED] buttock she stated she learned about the incident one day after the late note was entered in the charts of client [REDACTED] and she added that she had heard [REDACTED] was beaten up by [REDACTED]

Ms. Whitney stated she did not do 15 minute checks and only does the checks on women. She stated she gets tired of the sexual overtures from men on the unit but stated that she does not get sexual overtures from [REDACTED]

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She stated [REDACTED] urinated on the head of a staff member who was sitting down on a one to one but that [REDACTED] was not sexually aggressive. She said [REDACTED] tries to turn the staff off by being "gross." Ms. Whitney noted she tried to avoid [REDACTED] to keep that (gross behavior) from happening.

Ms. Whitney said, "it looked like several people held him [REDACTED] down and drew a swastika on his ass." Ms. Whitney stated she had heard rumors that he ([REDACTED] had blamed Andrea Weisman for drawing the swastika on him ([REDACTED]).

Ms. Whitney stated a lot of the patients are Jewish and that she never thought it (the swastika) was anti semitism. She stated she thought it was the sign of the Nazis. "I never put it as a sign against Jews." she stated.

She stated she told Myrna (Claxton), while talking about chart notes, that she, Ms. Whitney, had heard that [REDACTED] had been held down and they were blaming [REDACTED]. She stated that [REDACTED] was placed on a one to one because of this episode.

Ms. Whitney stated Ms. Claxton asked her what a swastika was and that she responded it was the sign of the German nazis during World War II.

Ms. Whitney stated she then drew a swastika on a piece of paper to show the symbol to Ms. Claxton. Ms. Whitney said she then stated to Ms. Claxton, "I am going to throw this away because there is so much paranoia on this unit."

Ms. Whitney stated that Ms. Claxton laughed at the remark because the two employees were just engaged in light talk. She stated everything is rotten and everybody wants to leave. Ms. Whitney stated that when she makes a jest something happens.

The investigator at this point asked Ms. Whitney to draw a swastika and she drew the symbol wrong.

Ms. Whitney was asked about the night of the 29th of September, 1988. She responded by saying she did not remember if [REDACTED] was up that night. Ms. Whitney then recalled it was the night that they had to put [REDACTED] in a posey chair because the unit was short of help. She stated "they made a big stink about it."

Ms. Whitney stated another night he [REDACTED] "slugged Jodi" (MHW Lobisser) while in the quiet room. She stated at the water bubbler and did not finish the sentence. When asked about her thought she stated "He was drinking water, he drinks copious amounts of water."

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Ms. Whitney stated with his new behavior [REDACTED] was dropping his pants in the day hall. She stated "I imagine he dropped them (his pants) the evening when he slugged Jodi and when he tried to drink water."

At this point I stated Ms. Whitney appeared nervous and was mixing her thoughts. *

Ms. Whitney stated she was not nervous. She stated she did not know about the swastika until three weeks later. She stated "Barbara Junkins writes nasty notes she doesn't check us and she says we sleep." She stated "They keep changing the rules like keeping a person on the desk." She stated "Just nasty notes saying I don't talk to Nick about sleeping but he was written up for it."

When I brought the subject matter back to the swastika, Ms. Whitney stated, "I don't know anything about drawing on it." Ms. Whitney was confusing the [REDACTED] issue with the drawing on the census board. At this point Ms. Whitney was giving confused answers and was not in good condition to continue with an interview.

I reminded Ms. Whitney that the interviews were confidential and not to discuss the matter with any other persons. On leaving the room, Ms. Whitney resumed the conversation about the interview in the presence of subordinate staff and had to be strongly reminded not to discuss the issue with other persons. She appeared distraught at this point. The conversation was terminated in the corridor of the unit.

Ms. Whitney was interviewed on a second occasion on November 9, 1988, in the administration building in the presence of Valerie Orefice, R.N., director of nursing at Westborough State Hospital.

Ms. Whitney was asked about September 29, 1988, and she answered every day seems the same on her shift. She believed that was the night [REDACTED] had been "posied." (placed in a posey chair) (X)

She said she learned of the swastika on [REDACTED] from Mr. Taft who told her [REDACTED] "had been drawn on," and as a result was placed on one to one supervision.

Ms. Whitney stated her shift, 11:00 p.m. to 7:00 a.m., is an isolated shift. She stated there is no feedback to the night staff to help them work with the clients. She stated the staff is getting nasty notes, she stated people are paranoid, the notes say "all we do is sleep on the shift... it is disheartening."

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Ms. Whitney mentioned [REDACTED] removes his clothing and trousers to urinate on the floor. She described the activity as attention getting.

Ms. Whitney was asked about her statement to Myrna Claxton saying she had "put dots on him [REDACTED] and someone must have extended the dots to a swastika.

Ms. Whitney stated she had put a "beauty mark" on [REDACTED] when he was in a good frame of mind. Ms. Whitney said she used a blue pen to put a dot on him on the upper quadrant of the upper quadrant. (a)

The investigator asked Ms. Whitney to point to the area where she drew the dot. Ms. Whitney indicated to the same spot where MHW Zamaites said he observed the swastika on [REDACTED]. (o)

See
p.
The nurse stated she discussed the matter with Ms. Claxton and stated she had "put a dot on [REDACTED] ass and she (Ms. Whitney) wondered if some patient had enlarged the dot to a swastika." (o)

She stated it happened sometime in the middle of September and that it was not meant as a mean gesture. She stated there was an open patch of skin on [REDACTED] and she made a black mark like a mark in a note book.

Ms. Whitney said she was just joking with [REDACTED] and did not do anything to harm him or to be vicious toward him. Ms. Whitney said she did not see any harm in it at the time. She stated someone had seen it (the mark) but she did not know who. She stated [REDACTED] was in a good mood and she was conversing with him and fooling with him.

Ms. Whitney stated "I did not draw a swastika on him. I put a dot on him and I hope someone, later on, did not write on him." (o)

Ms. Whitney stated the idea of the swastika was so far fetched that she could not imagine someone taking the time to draw one except a patient or except [REDACTED] (client [REDACTED]). She stated she did not see the swastika and feels it "is unbelievable."

The nurse said again she did not draw a swastika but put a "beauty mark" on [REDACTED]. She stated this occurred about 7 a.m. on a night he was doing good. She stated it was not the night he hit Jodi (Lobisser). Ms. Whitney said the client was facing the water bubbler, his clothes were disheveled and he was wearing an elastic top pair of pants.

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Ms. Whitney stated she said, [REDACTED] you are "doing so good I am going to give you a beauty mark. I said this is where you get a shot if you are bad. She stated she placed the dot on his left posterior. The nurse said the client "always wants atavan but it is administered mostly by mouth." (Rather than by injection)

Beauty Mark

She said she did not know if he responded to her drawing on him.

Ms. Whitney responded she did not mention writing on [REDACTED] during the first interview because she did not think of the matter until after the interview was over. The nurse stated she was worried about abuse.

When asked to clarify her remark about abuse she responded by saying "the next day he was..." but did not finish the statement. When asked what she started to say she answered, "He went on one to one about four days later."

Ms. Whitney stated during a conversation with Mr. Carter he remarked the nurse (Ms. Whitney) "was callous for not being more emotionally involved," (in the swastika issue).

7. Joseph Zamaites, MHW I, is assigned to Daniel 4 on the 7:a.m. to 3:00 p.m. shift. Mr. Zamaites maintains a good rapport with client [REDACTED]

When the swastika was discovered on Mr. Singer on September 30, 1988, it was brought to the attention of Mr. Zamaites. Mr. Zamaites was interviewed while in another building of the Westborough State Hospital and he described the location of the swastika on [REDACTED]

Mr. Zamaites said the swastika was about the size of a U.S. dime and was located a few inches below the belt on the left buttock. Both Mr. Zamaites and Ms. Leona Whitney pointed to the exact same place on the body as where Ms. Whitney's "dot" was located and where the swastika was discovered.

8. Myrna Claxton, MHW III, stated that on the previous Monday evening (October 17, 1988) she was giving client Ann Manning a shower and the client was troublesome. Ms. Claxton said she wrote Myrna Loves You on the hand of Ms. Manning and the client laughed and cooperated with the shower process.

Ms. Claxton said she found out on Thursday from Mr. Carter her supervisor who asked Ms. Claxton did you know there is an investigation in the writing on [REDACTED] Ms. Claxton stated she did not know of the investigation. She stated Mr. Carter explained about the war and concentration camps but did not mention the "sign."

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A native of Jamaica, Ms. Claxton was born after World War II and was not familiar with the Nazi movement, the holocaust or the hatred symbolized and generated by the swastika, she reported.

Ms. Claxton stated she asked Michael Gordon about the sign at the change of the shift at 7:00 a.m. She stated, "Myna, Jodi (Lobisser) and Michael were in the room." She stated Taft was not in the room when he (Michael Gordon) drew the insignia (on the unit census board). "If it were not for me it would not be there," Ms. Claxton stated about the swastika.

Ms. Claxton was asked if she had any idea who put the swastika on [REDACTED]

She stated she wrote on the back of the hand of Ms. Manning, "Myrna loves you."

She was asked again if she knew who wrote on the butt of [REDACTED] and she stated she was told by Lee Whitney, R.N. "I (Ms. Whitney) drew dots on his ass ([REDACTED]) when he was at the water bubbler, but I was not sure if someone extended them. Don't say anything about this."

Ms. Claxton stated during the Thursday morning shift Mr. Carter asked who has written on Ann Manning. "I said I did. Mr. Carter wrote a note to Ms. Barbara Junkins and showed me the note.

I was upset about this and I asked Leona Whitney what this thing is, (a swastika) and she drew it on a piece of paper and threw it away.

According to Ms. Claxton, While drawing on the piece of paper Leona Whitney stated "don't say anything, I drew dots on his ass, someone must have extended them, I did not draw a swastika all I did was the dots, someone must have extended them."

Ms. Claxton stated at the time she wrote on Ms. Manning's hand she was expressing love, Ms. Manning looked at it and smiled.

She stated Mr. Gordon spends a lot of time with [REDACTED] and he gets [REDACTED] to do a lot of things that other staff members cannot get Mr. Singer to do.

9. Jodi Lobisser, MHW I, was interviewed and asked to draw a swastika which she drew correctly.

Ms. Lobisser is an MHW I assigned to Daniel 4 and stated she had entered the nurses station before going off duty at approximately 7:00 a.m.

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She stated Myrna (Claxton) and Michael (Gordon) were talking about the swastika and Myrna was trying to figure out what the symbol was. She stated that shift had just learned [REDACTED] had "a swastika drawn on his rear end."

Ms. Lobisser said "Mike was trying to tell Myrna what it (a swastika) was so he ended up drawing it. He drew two of them, one beside the other, and he was not sure which one was right."

"I learned from an early age what a swastika is. Whether from school or where, I don't know. I could not say how long ago I learned what it (a swastika) was," The MHW said.

"He (Michael Gordon) drew it just to tell Myrna what it was. We thought it was strange she did not know what it was. It is frustrating trying to tell some one what it was and it is easier to show them," Ms. Lobisser said.

10. Michael Gordon, MHW I was a short term, about four months, employee of the Daniel 4 unit who is 28-years-old, a graduate of Penn State with a degree in psychology, two years of study toward a masters in psychology and one year of law school.

On the evening of October 20, 1988, at approximately 11:00 p.m. as the new shift was reporting for duty, Mr. Gordon approached the investigator as the investigator was taking pictures of the swastika drawn on the census board of the Daniel 4 unit.

Mr. Gordon stated, "Mr. McGinn, I did that, I am sorry, I did not mean anything. I put that (swastika) on the board because I did not know how the sign went. I finished the swastika but then I forgot about it. I did it after the shift was over, I was talking to Myrna Claxton and Jim Taft."

"I asked both Jim and Myrna what sign looked correct. Jim said the one on the right looked correct. Either Jim or Myrna said there was an investigation involving someone drawing a swastika on [REDACTED]"

"When I thought of the swastika I thought it takes a lot to draw one especially on the rear end of a person. I drew it and asked is this right or is this right. It was at 7:10 a.m. as we were about to leave for the day. The swastika was mentioned by Myrna and I was explaining it to her," Mr. Gordon reported.

The MHW said he had no idea who drew the swastika on [REDACTED]

He stated he knew there was an investigation (into the swastikas drawn on the census board) when he saw me (John McGinn) taking pictures of the wall.

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IV. CONCLUSIONS

On September 30, 1988, a swastika was found drawn on the buttock of client [REDACTED]. An Internal Affairs investigation was ordered into the matter. On October 20, 1988 two swastikas were drawn on the Daniel 4 census board. A preliminary investigation determined the matters were related and both incidents were incorporated into complaint 4/WSTH/88/033.

MHW Michael Gordon stated he drew the swastikas on the census board to explain what the symbol looked like and what the symbol represented on behalf of MHW III Myrna Claxton who was ignorant of the symbols. This statement was corroborated by Ms. Claxton and MHW Jodi Lobisser.

Mr. Gordon stated he forgot to remove the swastikas from the census board following the discussion about their meaning. Mr. Gordon erased the swastikas after they were photographed for the investigation.

It is concluded Mr. Gordon drew the swastikas on the census board on Daniel 4 while explaining the symbol to fellow employee Myrna Claxton. It is concluded Mr. Gordon left the premises without erasing the swastikas from the board causing insult and embarrassment to staff, clients and visitors.

Mr. Gordon was reprimanded for his behavior and subsequently terminated from his employment when he failed to complete his probationary employment period in a satisfactory fashion.

It could not be concluded from the investigation, lacking candor from witnesses or a witness to the event, who drew the swastika on [REDACTED].

Head Nurse Leona Whitney, R.N.III, a former nursing supervisor who once held the position of R.N. IV, admitted to drawing on the buttock of client [REDACTED]. Her culpability in drawing on [REDACTED] was corroborated by MHW Myrna Claxton.

During the first interview, after signing a statement acknowledging her duty to cooperate in an investigation, Ms. Whitney denied knowledge of a drawing on the person of [REDACTED]. Ms. Whitney refused to admit to drawing on [REDACTED] until the second interview when she was confronted with the testimony of Ms. Claxton, a subordinate. Ms. Claxton stated Ms. Whitney admitted to drawing on [REDACTED]. During the second interview Ms. Whitney stated she drew on the left buttock of [REDACTED].

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It is concluded Ms. Leona Whitney drew on the buttock of client [REDACTED] with a blue pen. It cannot be concluded what Ms. Whitney drew on [REDACTED]

Ms. Whitney's testimony during interviews was not candid. It is concluded Ms. Whitney failed to cooperate fully with the investigation.

It is further concluded [REDACTED] right to humane treatment was violated by Ms. Leona Whitney.

MHW Myrna Claxton wrote on the hand of client Anna Manning. Ms. Claxton wrote "Myrna loves you." Ms. Claxton admitted freely to her supervisor she had written the message with the best intention of helping the client through a stressful period. When advised of the impropriety of writing on a client, Ms. Claxton desisted.

It is concluded Ms. Claxton, as the only employee in the building with the name of Myrna, would be unlikely to sign her name on the hand of a client if her intention was to harm or humiliate the client. It is also unlikely Ms. Claxton would sign her name on the client if there were any intention to conceal the identity of the author of the message.



ALAN J. ZAMPINI
Chief Operating Office

The Commonwealth of Massachusetts

Executive Office of Human Services

Westborough State Hospital

Box 288, Lyman Street

Westborough, Massachusetts 01581

MEMO

PISA

To: Cathy Samko
David Bakalyan

From: Alan J. Zampini
Chief Operating Officer

Date: January 6, 1989

Re: Decision on Log # 4-WBSH-88-033

Mr. John F. McGinn, Investigator for Westborough State Hospital was appointed to investigate complaint log # 4- WBSH-88-033. His report was accepted by me on January 3rd, 1989.

On September 30, 1988, a swastika was found drawn on the buttock of patient [REDACTED]. On October 20, 1988, two swastikas were found drawn on the Daniel 4 census board. a preliminary investigation determined the matters were related and both incidents were incorporated into complaint # 4-WBSH-88-033.

It was found that Mr. Michael Gordon, MHW, drew the swastika on the census board. Mr. Gordon admitted he drew the symbol to explain to another staff the significance of the swastika. This statement was corroborated by two staff.

It is concluded that Mr. Gordon was responsible for drawing the swastika on the census board. Mr. Gordon left the premises without erasing the swastika causing insult and embarrassment to staff, clients and visitors.

Mr. Gordon was reprimanded for his behavior and subsequently terminated from his employment when he failed to complete his probationary employment period.

The second incident involving the swastika that was found on [REDACTED] was thoroughly investigated.

From the investigation, it could not be concluded who drew the swastika on [REDACTED]

It was found that a staff member admitted to drawing on the buttock of [REDACTED] however, the investigator could not substantiate the drawing of the swastika.

It was found that Mr. Whitney did not cooperate with the investigation. She denied knowledge of a drawing on the person of [REDACTED] at the first interview. After a witness revealed that she had observed Ms. Whitney draw on patient [REDACTED], she admitted to the incident.

It was revealed that Ms. Myrna Claxton, MHW, had written on the hands of a patient in a separate incident and readily admitted it when confronted with the fact.

I intend to take the following actions:

- 1) Ms. Leona Whitney, R.N., shall be suspended for five days without pay for her violation of the rights of a patient and her not cooperating with the investigation.
- 2) Ms. Leona Whitney, R.N., shall be strongly recommended to seek professional counselling.
- 3) Ms. Myrna Claxton, MHW, shall be reprimanded for action of writing "Myrna loves you" on a patient's hands.

Pursuant to Department of Mental Health regulation 104 C.M.R. 24.05 (4) (a), any party to this complaint may obtain a copy of the report of the investigator upon the signing of a non-disclosure statement. Further, any party aggrieved by this decision may, within five (5) days of receipt of this report, file a request for reconsideration with me, specifying how the decision is deficient and sending a copy of the request to all other parties.

Furthermore, you may appeal this decision in writing within ten (10) working days by notifying:

Henry Tomes, Ph.D.
Deputy Commissioner for Mental Health
Department of Mental Health
160 N. Washington Street
Boston, MA 02114

P15B

AJZ:sks
cc: John McGinn