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State report criticizes boot camp's actions

April 14, 2005

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The Kansas City Star

A state investigative team has concluded that a northwest Missouri boot camp apparently "failed...to provide access to appropriate medical evaluation and/or treatment" to a student who recently died.

In addition, the report said "interviews and evidence also suggest significant contradictions and possible deliberate falsification of written records."

The investigation, conducted by the Missouri Department of Social Services, took place after Roberto Reyes died in November while at Thayer Learning Center, a military-type home for troubled teens in Kidder, Mo.

Roberto, from California, was 15. The autopsy report said his death was probably due to a spider or insect bite.

John and Willa Bundy, who own Thayer, have not returned several phone calls from The Kansas City Star and couldn't be reached Wednesday. Ed Proctor, an attorney for Thayer, also could not be reached but previously has told The Star that "every child at Thayer has immediate access to medical care at any time."

In interviews excerpted in the investigative report, John and Willa Bundy and others said they didn't know or didn't think Reyes was sick before he died. Willa Bundy also said she hadn't read the records in question until she was interviewed by a state investigator in late February.

The state conducted the investigation at the request of the Caldwell County sheriff's office.

The report, which took more than four months to complete, totals 275 pages.

It was presented last week to Caldwell County Prosecutor Jason Kanoy, who has jurisdiction over whether charges will be filed in the death.

On Wednesday, Kanoy released the report to The Star and said he hadn't decided whether he would take any action. "There are some alarming parts about it," he said. "But I have not made a decision as to who I would file charges on or if I will file charges at all."

Reyes' parents filed a wrongful-death lawsuit against Thayer in February in Buchanan County Circuit Court and alleged that Roberto was subjected to physical exertion and abuse that caused or contributed to his death.

They alleged that Roberto would have lived had he gotten competent and timely medical care, that Roberto was dragged and hit, that he was forced to lie in his own excrement for lengthy stretches, and that the symptoms of his failing health "would have been present for a significant period of time prior to his death."

In court records, officials at Thayer denied those and other allegations.

James Thompson, a Kansas City area attorney representing the Reyes family, said Wednesday that portions of the report were "very disturbing."

"The whole motivation here is to get to the bottom of what happened," he said. "The report at least moves one step...in that direction."

November death

Reyes died Nov. 3, less than two weeks after his parents enrolled him at Thayer.

A school official found Reyes unresponsive in a sick bay area, and employees performed CPR and called 911.

Reyes was transported to Cameron Regional Medical Center, where he was pronounced dead. The autopsy report identifies "complications of rhabdomyolysis" as the cause of death.

It says the rhabdomyolysis, which is a breakdown of muscle fibers, was probably due to a spider or insect bite. About a month after Roberto died, a panel of county and state officials charged with reviewing child deaths said that earlier medical treatment "may have prevented this fatality."

In the investigative report released Wednesday, at least 10 witnesses identified as Thayer employees gave varied statements about Roberto. One said Roberto appeared lazy, and another said he had a bad attitude.

Some said Roberto struggled to keep up with the rigorous exercise regimen, and some said he complained of sore muscles. Some said he needed assistance walking and at times used other people as "a crutch." Some said Roberto defecated on himself, which is something one employee said that previous Thayer students had done to get out of exercising.

At least four said they never saw or were told anything to suggest Roberto was sick. The report said one Thayer employee, for example, thought Roberto "just didn't want to do anything."

One drill sergeant, however, told the state investigator she eventually came to think maybe Roberto was sick. At some point - the report notes that she wasn't sure when - she relayed that opinion to Dorothy Steele.

The report identifies Steele, of Kidder, as the facility's medical officer, and one witness said she decided whether any student would be taken to a doctor.

The report says that Steele, who was also the general manager of Thayer's kitchen facilities, is not a registered nurse and had an EMT license that expired in 2003.

Steele couldn't be reached for comment but said in the report that she treated Reyes on Nov. 1 for blisters on his feet. She said he reported at the time that he had sore arm and leg muscles but that he didn't have any other medical complaints.

Shift report questions

The finding in the report about "significant contradictions and possible deliberate falsification of written records" relates to statements given to a state investigator by former Thayer employee Sarah Mackey.

The report says Mackey worked for Thayer from Sept. 7, 2004, until her resignation on Dec. 13, 2004. She said that part of her duties included filing daily "shift notes" written by Thayer employees about various students and activities.

After Roberto died, the report said, Mackey read about 10 pages of shift notes written in the days leading up to Roberto's death.

"Sarah stated that every day," the report says, "the log sheets indicated that Roberto was getting worse and worse and worse."

According to the report, she read in those shift notes that:

As many as three days before Roberto's death, he was urinating and defecating on himself. He had to have urine and feces cleaned off him for several days. One employee wrote in the notes that on the Saturday and Sunday before Roberto's Wednesday death, Roberto was very sick and needed to be taken to a doctor. The employee also said Steele refused, saying Roberto's vital signs were fine and that he was faking.

After Roberto's death, that employee told the state investigator he didn't remember telling Steele that Roberto was sick.

Less than two weeks after Roberto died, Mackey told the state investigator, Willa Bundy took files of the shift notes, asked for 10 copies of blank shift note forms and went into her office.

A Thayer attorney provided the state investigator with faxed copies of shift notes, and the investigator took those to Mackey in early February.

"Sarah reviewed the shift notes," the report says, "and stated they were inaccurate and incomplete, compared to the shift notes she had seen and read in the office."

Mackey provided a signed statement to the state investigator saying, in part, that some of the shift notes were completely inconsistent with those she had previously read.

Shift notes dated Oct. 25-27 and Oct. 29-Nov. 1 are included in the state's report.

There are several references to Reyes - he had to be "restrained against the wall...for aggression" on Oct. 25, did "nothing but swear" on Oct. 26, threw up water but ate all his food on Oct. 27, fell going to the bathroom and "scraped his knees and elbows" on Oct. 31 - but there is no indication that he was seriously ill.

Mackey, reached by phone Wednesday at her Polo, Mo., home, told The Star that she spoke with the state investigator and "answered all questions truthfully" to the best of her knowledge.

It's not clear in the report whether Willa Bundy or anybody else was asked directly whether any shift notes had been altered.

Some details in the report are contradictory, varying from one witness to another.

For example: One Thayer employee said Roberto had been eating all his meals until the day he died, while another said he sat in a sick bay area with Roberto about two days before Roberto's death and tried to get him to eat.

"All Roberto wanted to do," the report said, "was lay down."

One witness stated that, as early as Oct. 27, Roberto "appeared to be completely out of it."

That witness, a fellow resident, said he had to call Roberto's name and wave his hand in Roberto's face to get his attention.

That same witness said Roberto would walk about five feet and fall down, then one of the drill sergeants or two or three students would pick Roberto up by all fours or drag him on the ground to get him around the exercise track.

The report also gives some background information about Roberto.

Documents show he was suspended in middle school for using vulgar language and stealing a CD player. He was earning poor grades in high school at the time he transferred to Thayer. He also had run away from home

at least twice.

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