



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

Elaine Bobick
Director
Western Region

11 Stanwix Street, Suite 260
Pittsburgh, PA 15222

(412) 565-5728
Fax: (412) 565-7808

REPORT ON THE FATALITY OF:

Gavin M. Thompson

BORN: November 14, 2005
DIED: November 26, 2010

FAMILY NOT KNOWN TO:
Allegheny County Children, Youth and Families

REPORT FINALIZED ON:
March 23, 2012

This report is confidential under the provisions of the Child Protective Services Law and cannot be released.
(23 Pa. C.S. Section 6340)

Unauthorized release is prohibited under penalty of law.
(23 Pa. C.S. 6349 (b))

Reason for Review:

Senate Bill 1147, Printer's Number 2159 was signed into law on July 3, 2008.. The bill became effective on December 30, 2008 and is known as Act 33 of 2008. As part of Act 33 of 2008, DPW must conduct a review and provide a written report of all cases of suspected child abuse that result in a child 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.

Act 33 of 2008 also requires that county children and youth agencies convene a review when a report of child abuse involving a child fatality is indicated or when a status determination has not been made regarding the report within 30 days of the oral report to ChildLine. Allegheny County has convened a review team in accordance with Act 33 of 2008 related to this report.

Family Constellation:

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	Mother	[REDACTED]
[REDACTED]	Father	[REDACTED]
Gavin Thompson	Child	11/14/2005
[REDACTED]	Brother	[REDACTED]
[REDACTED]	Sister	[REDACTED]
[REDACTED]	Brother	[REDACTED]
[REDACTED]	Brother	[REDACTED]

Notification of Child Fatality:

On November 29, 2010 Allegheny County Children, Youth and Families (ACCYF) received an oral report [REDACTED] that on November 26, 2010 the child was looking in a closet and picked up his father's service revolver and shot himself in the head. The child was taken to McKeesport Hospital where he was pronounced dead at approximately 12:00p.m. The father was home at the time of the incident with the other children. The mother was not at the residence at the time of the incident. The father is a police officer with the [REDACTED]. The mother and the surviving children are currently residing at the maternal aunt's home

Summary of DPW Child Fatality Review Activities:

Since the family was not known to the County Agency the Western Regional office maintained contact with the County while they conducted their investigation. Once the County investigation was completed the Western Region Office obtained a copy of the case record to review. The case record included the medical records and school records for the other children in the family and the

autopsy report on the child. These records were reviewed by the Western Region Office. Western Region Office participated in the Child Death Review Team Meeting on February 3, 2011.

SUMMARY OF SERVICES TO FAMILY

Children and Youth Involvement prior to Incident:

The family did not have prior involvement with Allegheny County Children, Youth and Families.

Circumstances of Child Fatality and Related Case Activity:

On November 26, 2010, the mother and father returned to the family home after a Thanksgiving visit to their cabin. The maternal grandfather had been watching the children while the parents were away. The mother and the oldest son left to take the maternal grandfather back home. The father was home with the four remaining children. The child and the youngest son were in the parent's bedroom watching T.V. The father was in the living room setting up a video game for the daughter and second oldest son. The child came out of the bedroom with a sucker. The father told him to put the sucker in the kitchen because the sucker was not the child's. The father did not see the child return to the bedroom. Shortly afterwards the father heard what he thought were the boys playing with balloons. The father did not initially recognize the gun shots. When the father went to the bedroom Gavin was laying on the floor. The father could not get the portable phone to work to call 911. The father sent the daughter across the street to get help. Both the father and the neighbor attempted to resuscitate the child. The Emergency Medical Services arrived at the home and tried to resuscitate the child and transported him to a local hospital. The child was pronounced dead on November 26, 2010 at 12:39pm.

On November 26, 2010 the Allegheny County Police received a request from the [REDACTED] to assist in a homicide investigation involving [REDACTED] who is the father of the child who is deceased. When the County Police arrived at the home they found the house to be small. The second floor was closed off because of construction. There were three beds jammed into it. The Police described the house as "messy and unkempt". The incident occurred in the master bedroom. The guns were kept in the closet in the master bedroom. The closet was only locked with a latch and would open when the doorknob was turned. There were no locks on the guns. The gun that the child used was a .45 caliber. It was on a shelf that was approximately five feet from the floor. There was another shelf in the closet that was approximately eight inches higher, there was a 9mm gun on that shelf. There was also an AR-15 in a nylon bag in the closet. A rolling desk chair had been pulled up to the closet and it was possible that the child would have been able to reach the shelf while

standing on the chair. The County Police took the weapons from the home. Also found in the closet were snacks hanging from a coat rod and Christmas presents.

The parents were cooperative with the County Police. The mother was very upset and kept saying that they needed to get Gavin to a good hospital so he could get better. The father told the police that it was an ongoing battle with the children to keep them from going into the closet to get the snacks. The child had reached for the gun before and the father had slapped his hand. The father told the County Police that the guns were "ready to rock" which meant that they were fully loaded with a round in a chamber for quick response. He further stated that "a weapon isn't any good if it's not loaded."

On November 27, 2010 the Allegheny County's Office of Medical Examiner conducted an autopsy on the child. The anatomic diagnosis is as follows: the child died from a gunshot wound to the head. The bullet was recovered.

[REDACTED]

[REDACTED] The direction of the bullet was backward and slightly to the right and upward. The manner of death was accidental.

On 11/29/2010, Allegheny County Children, Youth, and Families received the [REDACTED] referral on the family concerning the child's death. The caseworker spoke to the reporting source who told her that the mother and the other four children were staying with an aunt. The County Police informed the caseworker about the status of their investigation. The police confirmed with the caseworker that they had taken all of the guns out of the house. The caseworker spoke to the Medical Examiner's office and the Funeral Home to confirm when the child's funeral was going to be held. The caseworker was not able to get in contact with the family until after the child's funeral.

On 12/6/2010 the caseworker made a home visit to the family home. The family's attorney was present at the interview. The attorney instructed the family not to answer any questions concerning Gavin's death since the criminal investigation was on-going. Each of the surviving five children denied maltreatment by their parents. The caseworker observed that the children were affectionate with the parents and that the parent's interactions with children were appropriate.

The parent's were emotional during the interview and cried several times. [REDACTED]

[REDACTED] the death of her child the mother was [REDACTED]

[REDACTED] She denied any other drug or alcohol use. The father also denied any drug or alcohol use. The parents stated that they have been together for

fourteen years and married for ten years. They described their relationship as being great and denied any domestic violence. The father stated that he had been a surgical technician in the Navy for almost six years. He is a full time

since the incident. The parents signed release of information forms so that the agency could obtain school records and medical records for the children. The parents confirmed that there were no weapons in the home. The parents stated that it was their plan to seek [REDACTED] for the family. The In-Home Safety Assessment form that was completed after the home visit did not identify any safety threats.

The caseworker had phone contact with each of the children's schools and primary care physicians. The oldest son's school reported that he did well academically. His absences have been excused. He is not a behavior problem. The school did not have any concerns. The daughter's school also reported that she does well academically and that her absences are excused. She is not a behavior problem and the school did not have any concerns to report. The second youngest son was also viewed positively by his school. He was viewed as being "very social with a lot of friends." Academically he was on target. His absences have been excused and he is not a behavior problem. The father met with the school district on 12/14/2010 in order for the children to return to school. The school district told the father that the children's absences after the incident would be excused absences. The family agreed to home based services through a contracted agency. In addition the children would receive [REDACTED] services.

The [REDACTED] office reported to the caseworker that the parents were very good at bringing the children in for their well child appointments and when the children are sick. They primarily dealt with the mother, but the father had brought the oldest child in for some of his appointments [REDACTED]. The parents were viewed as being cooperative and they never had concerns about the care the children are receiving. The doctor's office was shocked that the family had been referred to the Allegheny County Office of Children, Youth, and Families.

During this conversation the agency learned that the mother had fainted during the child's funeral. [REDACTED]

The agency's next contact with the family was after the first of the year. The mother informed the caseworker that she was going to have to be hospitalized [REDACTED]. She would not be able to meet with the caseworker until that was completed. She stated that the children were back in school and receiving [REDACTED] through the school. She and her husband do not plan seek [REDACTED] at this time.

The caseworker had further contact with the County Police. They stated that they had interviewed the mother, the father, and the two oldest children. The mother and the oldest child were not in the home at the time of the incident. The mother stated that the children were not allowed in the closet because that was where the guns were kept. She also stated that there were Christmas presents in the closet. Both the father and the daughter's description of the incident was the same. They both told the police that they were both in the living room when they heard a pop. Gavin was lying on the floor with blood coming out of his ear. The father sent her across the street to get help.

The caseworker made the next home visit on 1/6/11, the parents and the surviving children were seen by the caseworker. None of the children disclosed maltreatment to the caseworker. The parents discussed with the caseworker that they never believed that any of their children would get a hold of the gun. The gun had been kept in the same location for the past ten years. The father showed the caseworker the safe he had bought to keep the guns in. He is the only person in the home to have the combination. The police still had the guns. The father showed the caseworker the second floor; he had laid a new floor and painted the room. The room will be used as a bed room for the three surviving boys. The daughter's room was also painted. The parents reported that each of the three school age children were receiving [REDACTED] in school from [REDACTED]. Each child was seeing the [REDACTED] weekly. Unfortunately, each of the three children were receiving services from a different agency. The parents reported to the caseworker that they plan to receive [REDACTED] through a local agency. The parents also told the caseworker that the community was very supportive of the family. The In-Home Safety Assessment completed after this home visit did not identify any safety threats.

During January of 2011 the school district informed the agency that they had concerns about the children's school attendance, especially the daughter. The agency received contradictory information from the schools on whether the parents were going to be fined for truancy. The agency spoke to the children's [REDACTED] who confirmed that the second to youngest son had been seen at their office for a bad cold and for [REDACTED], and was given doctor's excuses for the absences. The daughter had been seen for [REDACTED]. She was also given doctor excuses for the absences. The caseworker and the supervisor then met with representatives of the school district. The school district stated that they do not have concerns for the boys. The school's concern was for the daughter absences. They did state that if a medical excuse is brought to school for the absences that occurred within the past several weeks it would not be considered truancy. Furthermore, the school stated that they would not have made a referral to the agency concerning this matter. They would have handled it in-house.

The agency completed a Risk Assessment the severity was rated as low and the risk was rated as low. The [REDACTED] was filed with

[REDACTED]

father was charged with a felony charge of Involuntary Manslaughter and five counts each of misdemeanor two charges for endangering the welfare of children and reckless endangerment. Allegheny County Office of Children, Youth, and Families closed the case on January 28, 2011.

On January 24, 2012 the father was found not guilty of involuntary manslaughter, recklessly endangerment and endangering the welfare of children.

Current Case Status:

The Agency closed the case on January 28, 2011. The family declined services.

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

[REDACTED]

- Strengths: The Fatality Review Team meeting which was held on February 3, 2011 was well attended. There were standing members of the committee which included agency employees as well as the caseworker and supervisor of the case. Also present at the meeting was the Allegheny County Police and the Department. The County Police and the Agency presented a power point presentation of their respective involvement with the family. The power point included a timeline of the events of November 26, 2010. After the power point presentation there was much discussion concerning this tragedy and the simple steps that could have been taken by the family to prevent this from happening.
- Deficiencies: There were no deficiencies identified.
- Recommendations for Change at the Local Level: The recommendations that were discussed at the meeting included: reviewing the protocol that was established by the District Attorneys office eight years ago that governs the agency and County Police's working relationship to see if it needs to be updated. This recommendation was made to address the fact that the agency did not receive the referral until three days after the incident. Also discussed was including gun safety in the agency handbook that is given to families.

- Recommendations for Change at the State Level: The recommendation that was discussed at the meeting was that there are currently a number of Police Academy's in the Commonwealth that offer six week training courses that individuals can attend to become certified for police work. The curriculum varies from Academy to Academy. The recommendation from the review team was that the curriculum should be standardized for the certification training for police officers.

Department Review of County Internal Report:

- The Draft Fatality Review Team Report was received by the Department on February 27, 2012. The Department's review of the report found that the report accurately reflected the findings of the Fatality Review Team.

Department of Public Welfare Findings:

- County Strengths: The report accurately reflected the findings of the Fatality Review Team.
- County Weaknesses: The Department acknowledges that Allegheny County certified that the Child Fatality Report was not to be released on April 26, 2011. Having said that the County needs to submit their reports to the Department in a more expeditious manner.
- Statutory and Regulatory Areas of Non-Compliance: There were no regulatory violations.

Department of Public Welfare Recommendations:

- The Department agrees with the Fatality Team's recommendation that the curriculum for gun safety be standardized for the multiple Police Academies that provide certification of police officers.
- Public Awareness campaigns concerning gun safety in homes with children should continue.