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P R O C E E D I N G S

(The third day of proceedings commenced at 9:05 a.m. on December 14, 2017.)

(In open court, in the presence of the jury panel, the Court, the Defendant, and counsel.)

THE COURT: The record should reflect that all counsel are present and the Defendant. We're starting the Thursday session of the trial. The Court's understanding is that all the jurors are present. You may bring the jury in.

(In open court, in the presence of the jury, the Court, the Defendant, and counsel at 9:05 a.m.)

THE COURT: Please be seated everyone. Good morning everyone. We're starting the Thursday session of the trial. The State may call its next witness.

MS. TIMMINS: The State calls Steven Jansing.

(Continued on the next page.)

1 STEPHAN JANSING,
2 called as a witness by the State, being
3 first duly sworn by the Court, was
4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MS. TIMMINS:

7 Q. Would you please state your name.

8 A. Stephan Jansing.

9 Q. Mr. Jansing, where do you live?

10 A. I live in San Juan Capistrano,
11 California.

12 THE COURT: I'm sorry, sir. Could
13 you spell your last name?

14 THE WITNESS: J-a-n-s-i-n-g.

15 Q. (By Ms. Timmins) How long have you
16 lived there?

17 A. About two years.

18 Q. Do you work?

19 A. I do.

20 Q. Where do you work at?

21 A. I work at the [REDACTED]
22 [REDACTED]

23 Q. This courtroom has no microphones
24 and really big ceilings, so we almost have
25 to yell at each other.

1 A. Sure.

2 Q. Okay?

3 A. Yeah.

4 Q. What do you do at the [REDACTED]

5 A. I'm an assistant security
6 supervisor.

7 Q. How long have you done that?

8 A. About a year and a half.

9 Q. What is your educational
10 background?

11 A. High school graduate.

12 Q. And what is your employment
13 history?

14 A. I've worked at the [REDACTED].
15 I've worked at Midwest Academy. I've
16 worked at [REDACTED].

17 Q. Let's talk about Midwest Academy.

18 A. Sure.

19 Q. When did you work there?

20 A. I worked there from 2014 to 2015.

21 Q. Were you there prior to that?

22 A. I was. I was a student there from
23 2004 to 2006.

24 Q. How old were you when you went as a
25 student to Midwest Academy?

1 A. I was 16 years old.

2 Q. Now, when you were a student who
3 was the owner or director of the academy?

4 A. At the time it was Brian, and I
5 don't know his last name.

6 Q. Did the Defendant, Ben Trane, work
7 there when you were a student?

8 A. Yes.

9 Q. What was his position?

10 A. He was one of the four executives,
11 you know. He was probably a family rep at
12 some point for certain kids. But he was
13 definitely upper level management.

14 Q. Just generally, why were you at the
15 academy?

16 A. Partying, you know. Playing
17 baseball as a freshman on a varsity
18 baseball team, smoking weed occasionally,
19 drinking, you know, just influences of
20 peer pressure.

21 Q. Who sent you there?

22 A. My grandparents.

23 Q. Is that who you were living with at
24 the time?

25 A. No. My mom. But she was a single

1 mom working a lot.

2 Q. Generally, how did you do there as
3 a student?

4 A. At first I struggled with the
5 structure. I think a lot of kids did.
6 And then eventually just caught on, moved
7 up in the levels, and graduated in 2006.

8 Q. We've heard some testimony about
9 the OSS room. Did you ever have to spend
10 time there?

11 A. I spent my first day there. That's
12 part of the policies, that when you first
13 get there you spend the night in OSS.

14 Q. Did you go back to it after that?

15 A. I did. Oh, as a student? No.

16 Q. As a student, no?

17 A. No.

18 Q. How was it that you kept from going
19 back into OSS?

20 A. Followed the rules, listened to the
21 staff, leveled up, you know, just
22 complied.

23 Q. You said the structure was
24 difficult at first but it got easier. We
25 don't need to go into details because your

1 time there was quite a while ago. But it
2 was really strict there, wasn't it?

3 A. Absolutely, definitely.

4 Q. What kind of expectations were at
5 the academy?

6 A. I mean, you couldn't have your
7 elbows on the table when you ate, biting
8 your nails, talking to another student, I
9 mean, looking out the window.

10 Q. You couldn't look out a window?

11 A. No. Not as a student there, no.
12 We could but you'd get a consequence for
13 that.

14 Q. And talking to other students, you
15 weren't allowed to do that?

16 A. Not for the most part, no. Certain
17 times you could ask for, you know, the
18 ability to and sometimes the staff would
19 let you, but for the most part, no.

20 Q. Is it fair to say that almost every
21 action needed permission?

22 A. Absolutely.

23 Q. All right. So you were a student
24 from 2004 to 2006; correct?

25 A. Correct.

1 Q. And you went back to be an
2 employee?

3 A. I did.

4 Q. And when was that?

5 A. That was April of 2014.

6 Q. How did you end up going back
7 there?

8 A. I knew that they were hiring. I
9 knew James. He was like the--he was upper
10 level management. I reached out to him,
11 and called him up and asked him if I could
12 send a resume out. And then he got me in
13 touch with Ben Trane. You know, we e-
14 mailed corresponded back and forth and
15 then I flew out there for a week to
16 shadow, so to say, to see if I liked it.
17 Then I flew back within two weeks.

18 Q. And started working?

19 A. Yep.

20 Q. So the Defendant hired you?

21 A. Yes.

22 Q. Where did you live?

23 A. I lived at the condos in Montrose.

24 Q. Where is that?

25 A. North--well, it's on its way to

1 Burlington. I can't tell you if it's
2 north, south, east, or west.

3 Q. On the road out of town to
4 Burlington?

5 A. Yes.

6 Q. Who owned those condos?

7 A. Ben Trane.

8 Q. Was there a lot of other staff that
9 lived in those condos?

10 A. Yes.

11 Q. So if you worked at MWA, you were
12 provided housing, or did you rent it, or
13 how did that work?

14 A. It was rented. I don't know
15 exactly how each one ended up there
16 renting, but there was several staff there
17 that worked for the school or previously
18 worked for the school.

19 Q. So the Defendant was your employer
20 as well as your landlord?

21 A. Absolutely.

22 Q. What was your job there?

23 A. As a dorm parent.

24 Q. What does that mean?

25 A. We would just supervise the

1 students from 6:00 a.m.--7:00 a.m., I
2 should say, to 9:00 p.m. at night, you
3 know, guiding them from Point A to Point B
4 to Point C, making sure that they were
5 following the rules, that they weren't
6 getting out of line.

7 Q. Is it fair to say the dorm parent
8 was the person that was pretty much with
9 the kids all day?

10 A. Absolutely, yep.

11 Q. How were the kids split up into
12 different groups?

13 A. Families. They were called
14 families. And I believe at the time when
15 I was there, there was like four or five
16 boy families. So each dorm parent
17 supervised for the day a family, or
18 sometimes if we were lucky we had two
19 staff that were supervising the students.

20 Q. Now, you said that when you were
21 there, there was maybe four or five boy
22 families?

23 A. Yes.

24 Q. Did you ever have a girl family
25 that you worked with?

1 A. No.

2 Q. Were boys and girls completely
3 separate?

4 A. Yes.

5 Q. How did that occur? How did that
6 separation happen?

7 A. There was one wing and then there
8 another wing in the academy. And
9 basically, each wing had its own school,
10 cafeteria, bathroom facilities. So I mean
11 for the most part they were separated most
12 of the day at least. You know, you would
13 come across girl families that would cross
14 families going to the gym, for example,
15 but that was very rare.

16 Q. And what were the rules for the
17 kids in regards to the males and females?
18 If they passed each other, like you said,
19 going to the gym, could they say hi, could
20 they--

21 A. No. They had to turn their heads
22 to the left. They couldn't even look at
23 the girls. No communicating, talking.
24 And part of our job as a dorm parent was
25 to make sure that that wasn't happening as

1 well.

2 Q. So let me back up a little bit. We
3 really haven't talked much yet about the
4 layout of the academy. This is a really
5 huge place, isn't it?

6 A. Yes.

7 Q. Can you give us a general picture
8 of when you pull up to the academy, what
9 are we looking at?

10 A. The front doors--and if you're
11 looking at the doors, on the left side is
12 the boys' wing and on the right side is
13 the girls' wing. And it's a two-story
14 facility. On the first floor you have--on
15 the left side you have the boys'
16 classroom, and on the right side you have
17 the girls' classroom.

18 And as you walk in the doors, it's
19 the main hallway with secretary's desk on
20 the right, you know, checking in people,
21 guests, et cetera.

22 As you walk all the way down the
23 hallway, you have the--on the left side
24 you have the boys' cafeteria, and on the
25 right side you have the girls' cafeteria.

1 Q. You said there's a second floor.
2 Is that used for--

3 A. Yes.

4 Q. --housing or what was that used
5 for?

6 A. Some families had--or the kids
7 lived on the second floor. Part of the
8 second floor as well was the family
9 representative offices. Ben Trane had an
10 office. Other family representatives had
11 offices. You know, some of the--like the
12 head of education had an office, you know.
13 The director of the girls' wing, the
14 director of the boys' wing had offices.

15 Q. You had talked about a gym. There
16 was a gymnasium there?

17 A. There was.

18 Q. And where is that?

19 A. It's in the back of the school
20 somewhat. You would have to-- I'm trying
21 to think of it as I'm walking down,
22 picturing it. You would walk down the
23 hallway as enter the facility, you make a
24 left, and then you would pass the boys'
25 cafeteria on the right, and then you would

1 go out a door and then you go down like a
2 long hallway towards the end of the
3 facility.

4 Q. So the gym is in the back of the
5 facility?

6 A. It is.

7 Q. Can you leave the gym to go to
8 another section of the facility?

9 A. Yes. There is a corridor for the
10 seminar room that was recently built.

11 Q. So in the back you have the gym,
12 and then from there there's a long--you
13 said corridor?

14 A. Yes.

15 Q. That basically takes you to another
16 whole separate building; correct?

17 A. Yes.

18 Q. It's a lot of walking to get from
19 the front all the way to the back;
20 correct?

21 A. Absolutely, yeah.

22 Q. Where were the OSS rooms?

23 A. The OSS rooms were on the first
24 floor of the boys' and girls' side of the
25 facility. So each wing had its own OSS

1 rooms.

2 Q. Were the OSS rooms fairly similar--

3 A. Yes.

4 Q. --on each side?

5 A. Yes.

6 Q. I believe maybe the boys had one or
7 two more rooms than what the girls did; is
8 that right? Or do you remember?

9 A. At least one more room, yes. I do
10 recall that.

11 Q. When you were in the facility,
12 would somebody be able to walk in the
13 front hallway, and then just walk around
14 to wherever they wanted to within the
15 building without a key?

16 A. You could walk around the facility
17 like on the boys' cafeteria, the girls'
18 cafeteria, but you did need a key card to
19 access each wing. There was a key card
20 needed, you know. And usually the shift
21 leader had it, or when you first check in
22 for your pass down in the morning, you
23 were given that key card.

24 Q. All right. So if I wanted to go
25 into the boys' wing, I would need this key

1 card?

2 A. Yes.

3 Q. And I walk through the door, and
4 when the door shuts behind me it's locked;
5 right?

6 A. Yes.

7 Q. Is that the same with almost all of
8 the doors when you get on the wings when
9 they shut behind you?

10 A. Once you pretty much get on the
11 boys' side or the girls' side, you had
12 more ability to walk around. The doors
13 weren't necessarily locked for the most
14 part.

15 Q. Did you have a particular family
16 that you supervised, or was it just
17 whatever that day?

18 A. Whatever that day. It was random.

19 Q. What were your regulations as a
20 dorm parent in regards to interacting with
21 the kids?

22 A. Very, very minimal. We were there
23 to supervise and make sure they got from
24 Point A to Point B and issue consequences
25 when needed. But occasionally, you know,

1 you would--at least I would take it upon
2 myself to help or assist a student if I
3 could see that they were, you know,
4 getting out of hand.

5 Q. Were you supposed to be having any
6 type of personal conversations with them?

7 A. No.

8 Q. Were you supposed to form any type
9 of friendship or anything like that with
10 them?

11 A. No.

12 Q. What if a kid came to you and said,
13 I've got a--I need to talk to somebody;
14 I'm really feeling bad today. What were
15 you supposed to do?

16 A. We were supposed to radio the shift
17 leader, and then the shift leader would
18 reach out to their family representative.
19 But truthfully, you know, being a student
20 there and understanding what they're going
21 through to a certain extent, I took it
22 upon myself to try and have a conversation
23 if I could, if the time allowed.

24 Q. Sure. But you weren't supposed to?

25 A. No, of course not.

1 Q. So if the process was done
2 correctly by the rules, what would happen
3 is that if a child came to you with a
4 problem, you would say, you know, you're
5 going to need to talk to somebody else.
6 Then you would contact a shift leader; a
7 shift leader would contact the family rep;
8 and, then maybe the family rep would
9 contact a counselor or then somebody would
10 go talk to the kid?

11 A. Key word "maybe," yeah. Because a
12 lot of times kids would ask to speak to a
13 family representative or somebody, and it
14 wouldn't happen, you know. They weren't
15 at the facility; they had other things
16 that they were doing; and, you know, so it
17 was rare that a family representative
18 would come down and talk to the kid.

19 Q. And the kids weren't allowed to
20 talk to each other; correct?

21 A. No. You could assign an upper
22 level that was working a family with you
23 to talk to a lower level, you know,
24 sometimes, like out in the hallway or in
25 the classroom, but that was, once again,

1 you know, rare and really frowned upon
2 honestly.

3 Q. Talk about that little, too. Did
4 the students police each other?

5 A. Absolutely.

6 Q. Okay. How did that work?

7 A. An upper level would say, hey, Mr.
8 Stephan, I have somebody that I saw
9 talking to another lower level. It's
10 called a referral. And then it would be
11 up to the staff to decide to write a
12 consequence for that. In fact, it's very
13 much--if you're watching, like, the
14 *Stanford Prison Experiment*, it's very much
15 similar to that.

16 Q. Were upper level students, if they
17 earned that privilege, were they allowed
18 to help restrain other students?

19 A. Yeah, absolutely.

20 Q. Were they taught how to do that?

21 A. No.

22 Q. Upper level students could also be
23 rovers; is that right?

24 A. Yes, for OSS.

25 Q. What's a rover?

1 A. They basically work with the staff.
2 It was usually two upper levels and then a
3 staff that were in OSS, and then they
4 would assist with taking the students for
5 bathroom breaks across the hallway and
6 then just, you know, hanging out pretty
7 much, you know, yeah.

8 Q. So these upper level students were
9 helping the one staff member monitor for
10 the OSS rooms?

11 A. Yes.

12 Q. Now, as a dorm parent, did you have
13 authority to place a child in OSS?

14 A. No. But I mean there were dorm
15 parents that--I mean, they would just
16 hammer them with consequences and get them
17 to--get the student to mentally break,
18 which would cause them to go to OSS. So
19 technically, no, you couldn't say, you're
20 going to go to OSS, but I've seen dorm
21 parents just write out consequence after
22 consequence after consequence. For
23 example, at school where it would take
24 away from their education where they're
25 writing, you know, thirty consequences,

1 you know, just for random things. And
2 then they would have a mental break and
3 then they'd go to OSS.

4 Q. Well, give us an example of, you
5 know, what a kid can do in an hour to get
6 consequences?

7 A. I mean, anything under the sun. I
8 mean, biting your nails, talking, cussing,
9 tapping their pencil, being disruptive to
10 the school. I mean, there was a lot of
11 things.

12 Q. Was there something, too, about
13 when they're walking they had to walk a
14 certain way and turn corners a certain
15 way?

16 A. Yeah. It was called structure.

17 Q. What does that mean?

18 A. It's basically walking in a
19 straight line, you know, head straight,
20 not looking around. And part of that,
21 too, was if you looked out of line you got
22 a consequence. You know, if you didn't
23 walk straight in a line, you got a
24 consequence.

25 Q. How were you supposed to turn a

1 corner?

2 A. It's called 90s. It was basically,
3 you know, you would--if I could get up and
4 show you.

5 (The witness stood up in front of
6 the witness stand.)

7 A. So it's basically like turning like
8 this (indicating) and then turning like
9 this (indicating), similar to military
10 structure.

11 (The witness resumed the witness
12 stand.)

13 Q. And if you didn't do that?

14 A. You got a consequence.

15 Q. So tell us a little bit about when
16 it means to get a consequence?

17 A. Basically, it's a piece of paper.
18 And a consequence really depends on what
19 you did. It goes from, I think, negative
20 5 points to, I think, negative 50,
21 negative 75, negative 100, negative 25.
22 And points were--you accumulated points to
23 level up, so to say, throughout the
24 program.

25 Q. So if I'm on Level 1, I need so

1 many points to be able to try to be a
2 Level 2; correct?

3 A. Yes.

4 Q. How many points--and maybe it
5 varied, maybe the point system changed--
6 but when you were there, how many points a
7 day could you get or did you need?

8 A. I couldn't tell you honestly. It's
9 been a while.

10 Q. Okay.

11 A. I think it was 200 points from
12 Level 1 to Level 2. I do know that.

13 Q. So a consequence can really affect
14 someone's ability to move forward;
15 correct?

16 A. Absolutely.

17 Q. And obviously, it seems like the
18 policy behind it is, you know, following
19 rules and move up; correct?

20 A. Yes.

21 Q. You had talked about sometimes kids
22 will get consequence after consequence
23 after consequence, and they would break.
24 What did you mean by that?

25 A. You know, let's say a Level 1

1 that's struggled for a few months and
2 couldn't get to Level 2 for multiple
3 consequences. Let's say he's, you know--
4 if he finishes the day without
5 consequences, you know, then he'd be a
6 Level 2 the next day, which would include
7 more food from Level 1 to Level 2.

8 So a staff would give him a
9 consequence, let's say, or a few and he
10 would just say, screw it, he'd have a
11 break, definitely, mental break.

12 Q. What do you mean that if he moved
13 up to Level 2 you would get more food?

14 A. You were allowed to go to the salad
15 bar if you were Level 2 and up. If you
16 were Level 1, you could only eat what was
17 on your tray. And the salad bar had--you
18 know, you could have a salad, but you
19 couldn't have anything additional on top
20 of that, like condiments, you know,
21 croutons, whatever.

22 Q. If you were a Level 1, could you
23 have salt and pepper?

24 A. No.

25 Q. Could you have ketchup?

1 A. Nope.

2 Q. Could you have desserts?

3 A. Nope.

4 Q. Were there times that kids would be
5 caught taking more food--

6 A. Absolutely.

7 Q. --than they should, stealing?

8 A. Yeah, absolutely.

9 Q. What would happen?

10 A. They were put on what was called
11 OSS meals. And that was pretty much, from
12 what I recall, like a peanut butter and
13 jelly sandwich for a whole day. You know,
14 each meal you had one. You know, and you
15 had a side like a pickle or something like
16 that, but yeah.

17 Q. So if they tried to get extra food,
18 then consequence, and then you get special
19 meals?

20 A. Yep.

21 Q. What else on Level 1 was
22 restricted?

23 A. That's a good question. I mean,
24 just mostly just the food. I mean, yeah.

25 Q. What about phone calls to parents?

1 Did you know when they were able to get
2 phone calls to parents?

3 A. That was Level 3.

4 Q. So you had to make it all the way
5 up to Level 3 before you could have a
6 phone call?

7 A. You had to go through a seminar,
8 and then you had to be voted up by your
9 peers, and also your family representative
10 had to approve of you becoming Level 3.

11 Q. Now, you say "voted up by your
12 peers." Is that the same on every level?

13 A. After Level 3 and up, yes.

14 Q. So not only is it staff deciding
15 whether you move up, but it's your
16 students as well?

17 A. Definitely.

18 Q. Were kids allowed to write home at
19 all?

20 A. Every Sunday they could write a
21 letter, yes. They did that through a
22 software program, and that was sent to the
23 rep and the rep would actually read the e-
24 mail prior to the e-mail being sent to the
25 parents.

1 Q. So staff had access to those
2 letters before they got sent to parents?

3 A. Yes.

4 Q. Are you aware if they were
5 monitored or edited?

6 A. I could speculate yes, but I don't
7 have proof of that, no.

8 Q. What happens when you get to Level
9 2? What kind of privileges do you get
10 that you didn't have on Level 1, if you
11 remember?

12 A. Just more food, and then, you know,
13 if-- The rooms had bunk beds, so a lot of
14 times when you begin Level 2, or Level 2
15 bunk leader as they call it, you would be
16 able to move to a bottom bunk, you know,
17 versus the top.

18 Q. And what's a bunk leader?

19 A. A bunk leader is basically a
20 student that is over, or supervises one or
21 more students. So a Level 2 bunk leader
22 would have a Level 1, and a Level 2 bunk
23 leader could also refer consequences to a
24 staff, you know, say, hey, my buddy--as
25 they call it--my buddy broke a rule, you

1 know. And once again, it would be up to
2 the staff's discretion to decide whether a
3 consequence issued for that.

4 Q. And then Level 3, I assume there
5 are more privileges there?

6 A. Yeah. You can wear a watch. Your
7 tie is blue, a solid blue versus a plaid
8 tie. You got a phone call I believe once
9 a month for Level 3. You would be able to
10 go on certain, you know, outings, but that
11 was very rare. You know, all the Level 3s
12 would get together and do something, an
13 activity.

14 Q. How often did the kids go outside?

15 A. Rarely, definitely. If it was
16 summer out, you know--and it was up to the
17 shift leader, once again. It wasn't like
18 --as a staff member, a dorm parent, I
19 couldn't say, oh, we're going to go
20 outside. You definitely had to ask the
21 shift leader's approval first before you
22 could go outside. But it was definitely
23 rare.

24 Q. All right. I'd like to go back to
25 the OSS rooms. OSS is Out-of-School

1 Suspension; correct?

2 A. Yes.

3 Q. If I am to walk into the door of
4 the boys' OSS room, what am I looking at?

5 A. To the left you would have the
6 monitor of the cameras in OSS. To the
7 right you would have three rooms, three or
8 four rooms. And then as you walk down the
9 corridor, you have two additional rooms.

10 Q. You say that there's a monitor.
11 Does every room have a camera in it?

12 A. Yes.

13 Q. And then does staff sit and watch
14 that?

15 A. Yes.

16 Q. How big are the rooms? Do you
17 know?

18 A. I don't. I don't know the
19 dimensions, but they're pretty small.

20 Q. What type of word would you use to
21 describe them?

22 A. It would be like--in prison, for
23 example, if you've ever watched *Lock Up* or
24 any show on there, it's like the hole, you
25 know. It has wood around it. It has a

1 concrete floor on the bottom, you know,
2 and it had a light that was constantly on
3 the entire day and night.

4 Q. What were the doors like on the OSS
5 rooms?

6 A. They had a window, a small window,
7 that staff or upper levels could look in
8 to see what the student was doing.

9 Q. When you say "small window," is it
10 one of those windows that's at maybe head
11 height that you can peek through?

12 A. Uh-huh (in the affirmative).

13 Q. Is that a yes?

14 A. Yes.

15 Q. What about handles on the doors?

16 A. On the outside they had a handle,
17 on the inside, no.

18 Q. So once the door was shut, if
19 somebody was inside, is there any way for
20 them to get out?

21 A. No.

22 Q. Did you ever monitor the OSS rooms?

23 A. I did.

24 Q. Was that sometimes part of the job,
25 besides being a dorm parent?

1 A. Yes. So in the morning when we
2 arrived to work, the shift leader would
3 decide whether you're with a family or
4 you're working OSS.

5 Q. First of all, how does a kid get
6 into OSS?

7 A. Getting a lot of consequences in a
8 day, like having that mental break. The
9 family representative can say, well, he
10 has 1,000 points demerits, so we're just
11 going to send him to OSS. Assaulting
12 staff, assaulting students, trying to run,
13 "run" meaning escape, you know, cussing
14 out staff constantly. So that's the
15 majority of it.

16 Q. Now, when you say getting too many
17 consequences, I think sometimes--I know
18 when I first heard about some of this, I
19 pictured the kids going to OSS because
20 they're screaming, hurting people,
21 whatever, and have to put in there so they
22 don't harm themselves or others. That
23 happened sometimes?

24 A. Yeah, absolutely.

25 Q. But were there times where a kid

1 wasn't really in that state, but they
2 still had to go into OSS?

3 A. Absolutely, yep. They would just
4 have a lot of consequences, you know. And
5 the family representative would say, hey
6 look, you know, if you get 3,000 demerits
7 or whatever, we're sending you to OSS.
8 And some kids just--I mean, I was one of
9 those dorm parents that consequences
10 wasn't the ideal way to correctively--to
11 correct the action at all times. You
12 know, some students just need to be talked
13 to. Some staff would just hand out
14 consequences all the time. And so that's
15 how kids would just end up in there. You
16 know, you'd have 60, 70, 80 consequences
17 for one student in one day, and one result
18 is to go to OSS.

19 Q. And like you said, sometimes was it
20 normal for you to see that sometimes when
21 a kid was having a bad day and had that
22 coming at them all day that sometimes they
23 would just lose it?

24 A. Yes, absolutely.

25 Q. And sometimes that's why they went

1 into the OSS as well?

2 A. Absolutely.

3 Q. All right. What were the rules for
4 OSS? If I was placed in OSS, what are my
5 expectations?

6 A. Your expectations were to basically
7 sit in structure for a certain amount of
8 time, whether that was twenty-four hours,
9 forty-eight hours, whatever it was. And
10 after that, typically you would write an
11 essay assigned by the shift leader or the
12 family representative, 1,000, 2,000, 3,000
13 word essay, et cetera, on a certain
14 subject.

15 And once you get your structure
16 time, then you would go on to the essay
17 and you'd work on the essay. And then
18 once the essay was completed, the family
19 representative would come in with the
20 shift leader, or the shift leader would
21 come in and say, okay, you know, and take
22 them back to the family.

23 Q. What do I have to do to sit in
24 structure? What does that mean?

25 A. Usually it was like Indian-style,

1 or just like laying like this (indicating)
2 with your back against the wall.

3 Q. And just for the record, you put
4 your legs straight out in front of you?

5 A. I did. I put my legs straight out
6 in front of me and put both my palms on my
7 knees, and my back against the wall, like
8 a 90-degree angle.

9 Q. And how long am I supposed to sit
10 for that?

11 A. It was usually up to the shift
12 leader, but I've seen some kids that were
13 assigned seventy-two hours in structure,
14 forty-eight hours, twenty-four hours.

15 Q. If I've been sitting in there for
16 an hour and I-- Can my back be against the
17 wall?

18 A. Yes.

19 Q. So I've had my back against the
20 wall, my legs are out straight, my hands
21 are on top of my legs. And I have an
22 itch, and I itch the top of my head like
23 this (indicating), what happens?

24 A. The staff is supposed to document
25 that as breaking structure and then, you

1 know, you would basically--the shift
2 leader would occasionally call down and
3 ask how the kids are doing, and then he
4 was supposed to get the report, you know,
5 that so-and-so itched four or five times
6 without asking for the ability to.
7 Usually the students would raise their
8 hand, and then the staff would call on
9 them, and then they could say, can I
10 please, you know, take a drink of water,
11 can I please itch, use the bathroom, et
12 cetera.

13 Q. How often would I be allowed to use
14 the bathroom?

15 A. Some kids would choose to ask many
16 times, you know, just to get out of the
17 rooms, not really use the bathroom.
18 Sometimes they were told no, you're going
19 to have to wait. But for the most part, I
20 mean--everyone's different, you know, but
21 yeah.

22 Q. What if my--again, I'm sitting
23 there and my legs are straight out, what
24 if my legs fall asleep and I want to move?
25 Can I move to a different position?

1 A. You could. And you would also have
2 to ask the staff for that.

3 Q. And how do I do that? I raise my
4 hand?

5 A. Raise your hand. And through the
6 cameras the staff would see that you
7 raised your hand and say, you know, what
8 do you need, or how can I help you, and
9 then you would ask to move positions, et
10 cetera.

11 Q. Was there only certain positions
12 you could move to?

13 A. Yes.

14 Q. What were those?

15 A. The ones I recall, it was Indian-
16 style with legs crossed, and then it was
17 the back against the wall with your hands
18 on top of your legs. Those were the main
19 two that I know of.

20 Q. If I go into OSS at 8 o'clock in
21 the morning, is that what I'm doing all
22 day long?

23 A. Yes.

24 Q. Do I get to do school work?

25 A. No.

1 Q. What time do the kids usually go to
2 bed in OSS?

3 A. Shutdown started around 8:00, 8:15.
4 The rover--the upper level rover staff
5 would take them to the bathroom to brush
6 their teeth, use the bathroom, and then by
7 8:45 they would be in their rooms and go
8 to sleep.

9 Q. Were there mattresses?

10 A. Yes.

11 Q. Did kids always get a mattress?

12 A. No.

13 Q. Was a mattress a privilege?

14 A. Yes, it was.

15 Q. How did you lose your mattress
16 privilege?

17 A. Not sitting in structure, acting
18 up, talking to the upper level staff,
19 talking to the staff in general, walking
20 around, just not wanting to sit in
21 structure.

22 Q. So if I'm in there and I made the
23 decision that day that, you know, I'm not
24 doing this today, but I didn't yell or I
25 didn't scream, but I just walked around my

1 room, maybe sang to myself, whatever it
2 may be, does that mean that at nighttime I
3 might not get my mattress?

4 A. Definitely. It was up to the shift
5 leader to decide that.

6 Q. What happened if I decided to do
7 that for three days straight? Am I
8 getting out?

9 A. No.

10 Q. When do I get out?

11 A. When you sit in structure. It
12 would be rare that if you did that for a
13 certain amount of time, a week, two weeks,
14 whatever it was, then the shift leader
15 would decide, okay, I'm going to try and
16 take them out of OSS, regardless of what
17 they did in OSS, to try and bring them
18 back to the family. And usually that was
19 unsuccessful. They would act up again,
20 and then they would be back to OSS again.

21 Q. So I couldn't wait it out?

22 A. No.

23 Q. Then you said--was there a time
24 where sometimes kids could get a chair?

25 A. Not usually, no. I think maybe

1 once or twice that I was in there they had
2 a chair.

3 Q. And then if I was good and did my
4 structure, I would have to write an essay?

5 A. Yes.

6 Q. And if a child wrote a 1,000-page
7 (sic) essay, would it always just get
8 automatically approved, or would sometimes
9 they have to make revisions and make it
10 better?

11 A. Yeah. A lot of kids would just
12 write big versus, you know-- I think we've
13 all done it in our essays growing up, or
14 not on the topic. So the shift leader was
15 expected to review it and let the family
16 representative know, and then they would
17 just decide whether to let him out or not.
18 But sometimes they would go, no, you have
19 to write an additional 500 words because
20 you only have 500 words here, not 1,000.

21 Q. What was the average stay there?

22 A. It ranged from--usually, I would
23 say, on average it was probably about
24 three or four days. When I was working
25 OSS and just working there overall as a

1 staff, a few students were there for weeks
2 on end.

3 Q. What were they fed?

4 A. In the morning it was usually like
5 a breakfast item, like a piece of an egg
6 or some sort of egg-type thing, a little
7 carton of milk. And then lunch and dinner
8 it was mostly OSS meals. It was the
9 special meals where it was just like a
10 peanut butter and jelly sandwich with a
11 side of pickles, for example, and a glass
12 of water, you know.

13 Q. Did the kids ever tell you they
14 were hungry?

15 A. Of course.

16 Q. Were there also some speakers in
17 the rooms?

18 A. Yes.

19 Q. All right. What were those
20 speakers for?

21 A. They were used for motivational
22 tapes. So basically where the staff sat,
23 they had the ability to connect to each of
24 the speakers to play motivational tapes,
25 Deepak Chopra, Tony Robbins, you know,

1 basically that was, you know--stories or
2 whatever you want to call it that was
3 being played through the speakers
4 throughout the day for the most part.

5 Q. If that was bothering a child,
6 could they ask to have that turned off?

7 A. Yes, they could ask.

8 Q. Did that happen?

9 A. No.

10 Q. Could your time in OSS increase?
11 You talked about sometimes maybe it would
12 be for twenty-four hours or forty-eight.
13 Could it increase if you were getting into
14 a lot of trouble and being in there a lot?

15 A. Yes, absolutely. If they were
16 constantly in OSS, in and out, in and out,
17 usually the family representatives and the
18 shift leaders would pay less attention to
19 you and would focus on--and just say, you
20 know what, we'll see how it goes, and
21 usually it would just constantly increase.
22 You know, the student wouldn't sit in
23 structure, you know, the motivational
24 tapes were playing through the speakers in
25 their rooms, and the reps would rarely

1 visit them.

2 Q. Is it fair to say during your time
3 there that in that environment that the
4 more difficulty a kid had, the more they
5 got clamped down on?

6 A. Absolutely, yep.

7 Q. Did you see some children go in
8 there and their behaviors worsen?

9 A. Yes.

10 Q. And I say "in there," I mean in the
11 OSS rooms?

12 A. Yes.

13 Q. Did you know a Bxxxxxxx [REDACTED]?

14 A. I did.

15 Q. Did you see Bxxxxxxx [REDACTED] in the OSS
16 rooms?

17 A. Often.

18 Q. How old was Bxxxxxxx?

19 A. Twelve or thirteen.

20 Q. What types of things did you see
21 happen with Bxxxxxxx in the OSS rooms?

22 A. Constantly talking, screaming,
23 singing, he urinated on the floor, yeah,
24 it was bad. I'm just replaying all this
25 in my head, yes. Fecal matter smeared on

1 the walls, picking at scabs, blood.

2 Q. Did he want out?


3 A. Absolutely.

4 Q. Do you know at times how Bxxxxxx
5 ended up in OSS?

6 A. Like I described before, constantly
7 getting consequences. And it wasn't
8 anything--he necessarily wasn't cussing
9 staff, he was just talking, you know,
10 maybe it was a little ADHD, couldn't focus
11 on his school work. Some staff, like I
12 said, loved just to give out consequences,
13 hand them out, you know, and then that
14 became the mental break for Bxxxxxx, and
15 then back to OSS.

16 Q. And Bxxxxxx could get aggressive?

17 A. Yeah. I mean, not with me at
18 least. I mean, I wasn't one of those
19 staff that just constantly hammered
20 students with consequences.

21 Q. What about Dxxx ? Did you
22 see him in OSS a lot?

23 A. Often.

24 Q. How did he usually end up in OSS?

25 A. Same thing. Cussing, talking, you

1 know, talking to other students, getting
2 up out of his chair in school. He just
3 couldn't really focus, you know.

4 I mean, when I was a student there
5 I was--you know, I had ADHD, and he
6 reminded me a lot of myself. He couldn't
7 focus for the life of him, you know. But
8 that was mainly it. So once again, staff
9 would hammer him with consequences; he
10 would have a mental break; he'd go back to
11 OSS.

12 Q. How did he do when he was in OSS?

13 A. The same thing as Bxxxxxx. You
14 know, just talking a lot, cussing, just
15 not wanting to sit in structure,
16 obviously.

17 Q. Did you see times in OSS with
18 Bxxxxxx or Dxxx or any other kids where,
19 you know, sometimes they may go in and be
20 in a fairly stable state, but after being
21 in there for a while the behavior got
22 worse?

23 A. Absolutely, yeah. I mean, they
24 would change. They lost a lot of weight
25 in there. You would have kids like Dxxx

1 where when he first got to school he was a
2 normal-sized kid, 12 or 13 years old, and
3 he lost a lot of weight. Bxxxxxx, too. I
4 mean, the list goes on.

5 Q. And Bxxxxxx and Dxxx weren't the
6 only 12 and 13 year olds that you saw in
7 OSS; correct?

8 A. Correct.

9 Q. Did you have concerns about the
10 rooms?

11 A. Yes, absolutely. Just the fact
12 that the speakers were being played. I
13 mean, imagine constant noise in the
14 background like it was a torture cell for
15 the CIA or something like that. I mean,
16 you see movies where they do that, you
17 know, play loud music constantly. This
18 was a similar thing. It was not okay.

19 Q. But you worked there?

20 A. I did. And I went back to that
21 school because I was a student there at
22 one point, and I cared about the kids and
23 I enjoyed working with the kids. But
24 seeing the stuff that I did--or saw, I
25 should say, it wasn't--it definitely got

1 to me.

2 It wasn't in the moment I saw it.
3 My best friend worked at the school as
4 well. I mean, we were roommates. We
5 would have talks at night about, you know,
6 Bxxxxxx shouldn't be at the school.

7 MS. SCHAEFER: Objection, Your
8 Honor. That calls for hearsay.

9 THE COURT: Sustained.

10 Q. (By Ms. Timmins) You would have
11 discussions with your friends about
12 concerns at the school?

13 A. Absolutely.

14 Q. Do you carry some guilt about
15 working there?

16 A. Yeah, I do. It definitely took a
17 while to process that. If I knew what I
18 know now versus then, I would have
19 reported it to DHS a long time ago. But
20 back then reporting anything to DHS and
21 not informing anyone else at the school
22 would ultimately result, in my opinion,
23 100 percent, in termination of employment.
24 And I had a company car. I lived at the
25 condos where Ben owned it. So my whole

1 existence pretty much would be erased.

2 Q. So you as staff, if you had a
3 concern, if you thought something should
4 go to the outside world, who were you
5 supposed to tell?

6 A. The shift leader, you know. And
7 once again, it was their discretion on
8 what they wanted to do. But if a shift
9 leader went to DHS, it would also impose
10 on his job as well, because if DHS came
11 in, like they did, and shut it down, he
12 wouldn't have a job. So there was a lot
13 of pressures, you know, for each
14 individual to go DHS, including reps,
15 shift leaders, et cetera.

16 Q. Do you also think that because you
17 were a student there and went back there
18 and worked that you were a little
19 ingrained in the culture there at the
20 time?

21 A. Absolutely. I mean, as soon as I
22 walked in those doors, I remembered
23 memories, just flashbacks, you know. My
24 picture is on the wall. You know, I saw
25 that picture I hadn't seen in years as a

1 graduate, but, yeah, definitely.

2 Q. How full were the OSS rooms
3 usually?

4 A. Two or three on average on the
5 boys' side.

6 Q. Two or three kids?

7 A. Two or three kids, yes, in each
8 room. And usually it was like Dxxx,
9 Bxxxxxx, Dxxxxx [REDACTED], Hxxxxx [REDACTED] when
10 she was brought over to the boys' side.
11 It was the same individuals mostly.

12 Q. Why was Hxxxxx [REDACTED] brought over
13 to the boys' side?

14 A. We wouldn't have the staff to have
15 both boys' and girls' OSS rooms open, so a
16 lot of times the girl would be over in the
17 boys' side in one of the rooms, and then
18 they would have girl rovers, upper level
19 girls staff that would watch, you know,
20 and assist with a girl staff member as
21 well.

22 Q. How old was Hxxxxx [REDACTED] ?

23 A. Twelve, if that.

24 Q. She was in the OSS room a lot?

25 A. Yes.

1 Q. What were her behaviors like?

2 A. The one particular time I remember
3 which stood out the most was when actually
4 Ben walked in--and I think she was sent to
5 a psych hospital. She had cut herself. I
6 don't know how she had the ability to do
7 it, her nails or whatever, and she drew a
8 mural of blood on the wall. And I
9 actually took a picture on my phone, on my
10 old phone at least, and at the time I
11 showed my girlfriend who I was dating out
12 here, and she was, like, this is not okay.

13 And that's when Ben came over with
14 the shift leader and the rep, and then
15 after that I didn't see her. But she was
16 constantly--you know, fecal matter,
17 urinating, you know, talking, not sitting
18 in structure.

19 Q. Now, you said Ben came in that day
20 that Hxxxxx smeared blood on the walls?

21 A. Yes.

22 Q. Would the Defendant come into the
23 OSS rooms?

24 A. Yeah, absolutely. He would try to
25 talk to them, you know, and basically say,

1 do what you got to do to get out. You
2 know, there was no-- Be accountable.

3 Q. Follow the rules?

4 A. Follow the rules, yep.

5 Q. All right. So the Defendant came
6 to the OSS rooms?

7 A. Yes.

8 Q. Once a year? Once a month?

9 A. When I went to OSS, I think I maybe
10 saw him like two or three times maybe
11 dealing with, you know, Hxxxxx or somebody
12 else, Dxxxxx [REDACTED], Bxxxxxx [REDACTED].

13 Q. Did you ever see the Defendant
14 talking to Bxxxxxx [REDACTED]?

15 A. Yes. When he first came to the
16 facility, I was actually the staff member
17 that was with Ben on the couches when
18 Bxxxxxx first came in and, you know, Ben
19 was explaining things to Bxxxxxx. And
20 right then I knew, he was not supposed to
21 be here.

22 Q. Why is that?

23 A. You could just tell. Yeah, there
24 was a-- I'm not a doctor. I don't know
25 these things. But there was a mental

1 issue there.

2 Q. So on Bxxxxxxx's first day, you were
3 one of the people that helped him learn
4 the rules and things?

5 A. I wouldn't say I helped him. I
6 mean, I definitely talked to him a little
7 bit. Ben did most of the talking. But
8 then, you know, we placed him in a family
9 and went from there. So every student
10 that comes in the facility has an upper
11 level--I forget the word--someone that can
12 basically guide them on the rules and
13 structure.

14 Q. Did you ever observe the
15 Defendant's interactions with the female
16 students?

17 A. No. It was rare.

18 Q. At the school itself, were the boys
19 treated differently than the girls?

20 A. In my opinion, yes.

21 Q. Why?

22 A. I couldn't tell you.

23 Q. What do you mean?

24 A. Well, I mean, you just noticed that
25 they were more nice to the girls, maybe a

1 softer spot, more touchy-feely. One of
2 the family representatives, Dan Manuel
3 (phonetic), he was a jerk--I'll be honest
4 with you--to staff and to boys. But as
5 soon as he went to the girls' side, he was
6 a different person.

7 Q. And the boys' OSS rooms were much
8 more full on a constant basis than what
9 the girls' were?

10 A. Yes.

11 Q. When you worked there, did the
12 Defendant have females, girl students, who
13 were on his caseload?

14 A. Yes.

15 Q. Do you remember who that was?

16 A. The only person I remember was
17 Gxxxx--I think her name was Gxxxx.

18 Q. Did he have a big family caseload?

19 A. No. He had very, very few.

20 Basically, if the family representative
21 couldn't satisfy the parents' needs or the
22 parents were, like, I'm thinking about
23 pulling my kid, the family representative
24 would then escalate it to Ben, and Ben
25 would then basically take over the

1 caseload and work with the parents and the
2 kid.

3 Q. And when Ben had--when the
4 Defendant had kids on his caseload, were
5 they normally boys or girls?

6 A. For the most part it was girls.

7 Q. Were you aware that the Defendant
8 took kids over to his house?

9 A. Yes.

10 Q. Did you see that yourself?

11 A. No. Heard about it.

12 Q. Were you aware--were the kids
13 allowed to go--earlier you said the kids
14 were allowed to go on outings?

15 A. Yes.

16 Q. What does that mean?

17 A. If you're a Level 4, Level 5, Level
18 6, even Level 3 sometimes, you would--
19 Level 4 and up, Level 5 and up, the family
20 representative, or Ben mostly, would take
21 them on, you know, into the town for Pizza
22 Hut or food or to the mall.

23 Q. And that was a big privilege to get
24 to do that?

25 A. Absolutely.

1 Q. And that's something that the
2 Defendant would take the kids on a lot of
3 times?

4 A. Yes.

5 Q. Did you have any specific education
6 or training to work at Midwest Academy
7 with these kids?

8 A. No. Just the desire to help them
9 and give back to them what I could.

10 Q. Did you receive any mandatory child
11 abuse training when you were there?

12 A. No.

13 Q. And you said that if something was
14 concerning, you knew you were to go to
15 your upper level staff?

16 A. Shift leader.

17 Q. Shift leader, okay. Why did you
18 leave Midwest Academy?

19 A. Ben walked into my condo one day
20 and said, you know--he talked to me, and
21 he's like, well, we don't want you back.
22 And he wouldn't let me say goodbye to the
23 kids. I asked him, hey, can I go back
24 there? And he said, no. And I asked why,
25 and he said--to this day there really is

1 no specific answer he gave me.

2 And so I left that alone. You
3 know, I smoke cigarettes and a drink
4 alcohol. I'm an adult, and I have that
5 right. And I think that was a hindrance,
6 and he didn't like that. You know, I did
7 so within the legal limit. So I would
8 assume that might be part of it, but I
9 couldn't tell you.

10 Q. So it wasn't a good ending between
11 you and the Defendant?

12 A. No.

13 Q. What was his role at the academy?

14 A. The owner/operator of Midwest
15 Academy. I mean, he was the--I guess
16 you'd call him the director, the overall,
17 overseer.

18 Q. Is it fair to say he had his hands
19 in everything?

20 A. Absolutely.

21 Q. Was he the ultimate decision maker
22 there?

23 A. Yep.

24 Q. Was it easy for you to get through
25 as a student?

1 A. I could follow structure. When I
2 went there and when I went back, overall
3 it's very political. You learn how to
4 play politics at the school, and you also
5 know how to follow structure. If you can
6 do both of those two things, you can be
7 successful.

8 Q. So you could do the military walk-
9 and-turns?

10 A. Absolutely.

11 Q. You could keep your mouth quiet
12 when you were supposed to?

13 A. Absolutely.

14 Q. You could keep yourself from
15 looking out a window?

16 A. Yeah.

17 Q. You could keep yourself from
18 stealing extra food off the buffet?

19 A. Yes.

20 MS. TIMMINS: That's all the
21 questions I have. Thank you.

22 THE COURT: Ms. Schaefer.

23 MS. SCHAEFER: Thank you.

24 (Continued on the next page.)

25

1 CROSS-EXAMINATION

2 BY MS. SCHAEFER:

3 Q. Mr. Jansing, did the policies and
4 rules, were they significantly different
5 when you returned as an employee than when
6 you were a student?

7 A. For the most part, no.

8 Q. And when you returned back as an
9 employee, you worked primarily the night
10 shift, didn't you?11 A. No. I worked sixteen-hour days from
12 6:00 a.m. to 11-ish p.m. at night.13 Q. And my understanding is that your
14 principal duties were only to watch the
15 students, make sure that they were
16 following all of those rules?

17 A. Yes.

18 Q. And if they were not, could you
19 hand out consequences?

20 A. Yes.

21 Q. Did you do so?

22 A. Yes.

23 Q. If a child was having significant
24 issues, did you then report that to the
25 shift leader?

1 A. Yes.

2 Q. And wasn't there kind of a series
3 of disciplinary actions before a student
4 would get to OSS purely for points issues?

5 A. Can you elaborate on that? A
6 series?

7 Q. Well, if you see a student that
8 it's the third time you've had to tell
9 them that day: you're not supposed to be
10 looking around, eyes straight ahead. Did
11 that immediately get them sent to OSS?

12 A. Sometimes, yes. Sometimes, no.

13 Q. But was that more true for a
14 student who maybe had had issues with that
15 particular rule for quite some time?

16 A. Yes.

17 Q. But if it's the first time, and
18 they're struggling a little bit with
19 keeping their eyes focused, or they're not
20 doing their 90--your 90s, is that what you
21 called them?

22 A. That's what I called them, 90s,
23 yep.

24 Q. What was the first step? Wasn't
25 it, in fact, to talk a buddy student, that

1 mentor that you described?

2 A. Sometimes, yes, but a lot of times
3 it was--you know, we didn't have the time
4 or the place to do so, so it was escalated
5 to the shift leader, et cetera, or the
6 family representative would come down and
7 talk to the student.

8 Q. But if there was time?

9 A. Once again, it really depended.
10 Yes, sometimes it was like: hey, upper
11 level, can you please assist? Sometimes
12 the upper level was busy, you know, and
13 then I would try and have a conversation
14 and de-escalate them. That always didn't
15 work. But yes, so then you would have to
16 call the shift leader.

17 Q. Wasn't it, in fact, for those rule
18 infractions OSS was supposed to be the
19 last consequence?

20 A. Yes. But a lot of times it was the
21 first consequence.

22 Q. And that depended on the staff;
23 correct?

24 A. It did, yeah, and the student as
25 well.

1 Q. What do you mean "and the student
2 as well"?

3 A. Well, it depended on his actions,
4 you know, and it really depended on what
5 he did. If I go out and I punched--as a
6 student, punched a staff member, you go to
7 OSS.

8 Q. But I'm talking about these simple
9 rule infractions.

10 A. Okay. So your answer is yes.

11 Q. So you had to really be just
12 completely out of line most of the day to
13 get yourself into OSS?

14 A. I would say out of line most of the
15 day, or it could be a few hours, you know,
16 two hours; in class, for example, and then
17 the shift leader would be contacted and
18 then they would pretty much throw them in
19 OSS, or her.

20 Q. And the shift leader is the person
21 who had the authority to do that; correct?

22 A. Yes, or a family representative.

23 Q. And those were not the same people;
24 right?

25 A. Sometimes they were. Sometimes a

1 family representative would be also
2 working as a shift leader as well that
3 day.

4 Q. And how are those folks different
5 from the counselors? Because wasn't there
6 two counselors?

7 A. There was two counselors, yes.
8 Those folks--I mean, the family
9 representatives were a mediator between
10 the student and the family. So they would
11 observe phone calls with the student and
12 the family. They would talk to them and
13 counsel them on setting up goals. But as
14 far as I knew, they didn't have any
15 degrees of any kind.

16 Q. And you did describe certain
17 behavior that would get you sent directly
18 to OSS, things such as fighting or being
19 assaultive?

20 A. Running, yeah.

21 Q. When you say "running," I'm
22 assuming you mean--

23 A. Escaping.

24 Q. --running away?

25 A. Escaping.

1 Q. And you never saw the Defendant
2 alone with students?

3 A. No.

4 Q. When you did see things, you said
5 that you saw many things that concerned
6 you. Did you report those to your shift
7 leader?

8 A. About like the OSS rooms? What do
9 you mean specifically?

10 Q. Or anything that gave you concern
11 about a student?

12 A. Yeah, absolutely, definitely.

13 Q. And then was it ultimately up to
14 that shift leader to decide what happened?

15 A. Yes.

16 Q. But you indicated you never--for
17 all of these issues you had with the OSS
18 room, you never reported any of that to
19 DHS?

20 A. No. And I explained that as well.

21 Q. You know you could file those
22 anonymously; right?

23 A. I did not know that.

24 Q. And you indicated you had--I
25 believe you said you were not a doctor.

1 Do you have any training in education or
2 dealing with kids?

3 A. No.

4 Q. Was it really in your job
5 description to be providing any counseling
6 or anything to kids?

7 A. No. But I did that because I was a
8 student there, and I can relate to them on
9 different subjects.

10 Q. But that was not in your job
11 description, was it?

12 A. No.

13 Q. In fact, your job description was
14 very clear that you were not to be doing
15 that?

16 A. Correct. But in my belief it does
17 not take a degree to understand someone's
18 abilities and to talk to them as a human.

19 Q. That was not my question. Your job
20 description was very clear that you were
21 not to be having those sorts of
22 conversations with students?

23 A. Yes, correct.

24 Q. And primarily that was so not to be
25 undoing or have any effect on any

1 counseling that they may be having with
2 their therapist?

3 A. I wouldn't know, no.

4 Q. Were either Bxxxxxx or Dxxx in your
5 family?

6 A. Yes.

7 Q. You described three or four kids
8 that seemed to spend a lot of time in OSS.
9 Isn't it true that most students, if they
10 did go there beyond that first day, it
11 wasn't much beyond that?

12 A. No. I mean, besides the select few
13 four or five students, you'd still have a
14 few days in OSS, typically two to three
15 average, like I said before.

16 Q. But again, as far as repeat
17 customers, so to speak?

18 A. Well, not customers, they're kids.

19 Q. It was a phrase.

20 A. Sure.

21 Q. As repeat people in there, did most
22 students once they entered OSS that first
23 time and completed it, were they able to
24 then follow the rules so as not to return?

25 A. Typically, yes.

1 Q. And you described a lot of the
2 level system. Obviously, consequences,
3 OSS room, were consequences for bad
4 behavior; correct?

5 A. Yes.

6 Q. There were also positive
7 reinforcements through leveling up and
8 getting additional privileges all the way
9 up through the six levels; correct?

10 A. Yes.

11 Q. So kids had a good incentive to
12 follow the rules?

13 A. Some kids, yes. Some kids, no.
14 They couldn't adhere to structure. They
15 didn't see the incentive. Some people
16 can't comprehend that.

17 Q. Okay. You're not answering my
18 question, though. But the incentive was
19 there; right?

20 A. It was there, sure.

21 Q. And then they would make the
22 choices not to follow the rules?

23 A. Yes.

24 Q. And you indicated that you also
25 rented your apartment from the Defendant?

1 A. Yes.

2 Q. He owned that with his brother;
3 correct?

4 A. I have no idea.

5 Q. Colton?

6 A. I don't know.

7 Q. Isn't it true that the reason he
8 fired you was because he thought you were
9 smoking marijuana, and he didn't want that
10 associated with the academy?

11 A. He brought it up, and I told him
12 straight out, no. I do not smoke
13 marijuana.

14 Q. But he did state he had a reason
15 for firing you; correct?

16 A. Uh--

17 Q. Yes or no?

18 A. There was no proof of that so--

19 Q. It was a yes-or-no question.

20 A. So no.

21 Q. He told you he had a reason for
22 firing you, whether it's correct or not?

23 A. Sure, yeah. He gave that
24 reasoning. We had a discussion about
25 that.

1 Q. And in firing you, you also lost
2 your apartment and the use of the company
3 car?

4 A. Yes, correct.

5 Q. Were there people who lived in that
6 apartment complex besides staff people?

7 A. Yes, there was.

8 MS. SCHAEFER: I don't have any
9 further questions.

10 THE COURT: Ms. Timmins, redirect?

11 REDIRECT EXAMINATION

12 BY MS. TIMMINS:

13 Q. You were asked if the polices and
14 the rules were similar when you worked
15 there as to when you were a student there?

16 A. Yes.

17 Q. And your answer was, yes, they were
18 similar; correct?

19 A. Yes.

20 Q. Was the environment similar?

21 A. No.

22 Q. What was the difference?

23 A. It was--when I went there as a
24 student, it was way more structured where
25 kids just generally followed the rules.

1 And I questioned that after, like, when I
2 went back as staff and I thought maybe it
3 was a generational thing, you know, for
4 the kids, the parents, you know, that they
5 were never told no. I couldn't really put
6 a finger on it. The rules were the same,
7 but the overall environment was less
8 strict.

9 MS. TIMMINS: That's all I have.
10 Thank you.

11 THE COURT: Ms. Schaefer?

12 MS. SCHAEFER: Nothing further.

13 THE COURT: Sir, you may step down.
14 The State may call its next
15 witness.

16 MS. TIMMINS: The State calls
17 Bxxxxxxx [REDACTED].

18 (Continued on the next page.)
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