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3 charged in Ohio in teen's restraint death

By JoANNE VIVIANO, The Associated Press

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COLUMBUS, Ohio — Three former employees of a Cleveland residential center for troubled teenagers were indicted Wednesday in the death of a 17-year-old girl who choked on vomit and suffocated after she was restrained face down, a control technique the governor has since banned.

Cynthia King, 32, of Warrensville Heights, Lazarita Menendez, 28, of Bedford Heights and Ebony Ray, 33, of Broadview Heights were indicted in Cuyahoga County on involuntary manslaughter and child-endangering charges in the death of Faith Finley at the Parmadale Family Services center in Parma.

Cuyahoga County Coroner Frank Miller ruled the girl's Dec. 13 death a homicide.

Menendez also faces counts of felonious assault and inciting to violence on charges that she initiated the incident by taking the girl's CD player, which Finley used to calm herself, and that she shoved the girl's hand under her as she lay on the floor, said assistant Cuyahoga County prosecutor Maureen Clancy.

Clancy said King watched as the other two women restrained Finley, then told them to leave after Finley calmed down. The prosecutor said King dozed off in a nearby chair as Finley lay on a tile floor. King checked on the girl about two hours later when another youth alerted her, Clancy said.

The prosecutor alleged the three workers knew the restraint could cause death, but failed to get Finley up and make sure she was breathing properly and did not follow other protocol.

"It rises to the level of being criminal when you act recklessly in the manner that they acted, disregarding a known risk," Clancy said.

The three are to be arraigned Sept. 17 in Cuyahoga County Common Pleas court.

Jill Flagg, an attorney for the Finley family, said the family was grateful the three were indicted.

"They feel that the indictments not only acknowledge that there was criminal wrongdoing but also the importance of Faith as a human being," Flagg said.

She said the defendants, too, are "victims themselves of poor supervision and poor training."

Tom Mullen, president of Catholic Charities, which operates Parmadale, said the organization continues to cooperate with authorities and to offer prayer, affection and concern for the Finley family. Mullen said the center has taken measures to ensure that residents are kept safe, including extensive training of staff members.

"For our employees at Parmadale and Catholic Charities, it's a very difficult period of time for them also because there's very, very good people that are involved in all of this," he said.

In July, the family filed a lawsuit against the three former employees and Catholic Charities, alleging that reckless and negligent behavior by the center workers caused the teenager's death.

Last month, Gov. Ted Strickland ordered a ban on the type of restraint the former workers used. His ban came after several state agencies recommended prohibiting the technique, citing overwhelming evidence that it carries a high risk of serious injury or death.

A message left Wednesday at a phone listing for King was not immediately returned. Contact information was unavailable for the other two defendants, and no lawyers were listed in court documents.

A manslaughter conviction carries a penalty of three to 10 years in prison. Child endangerment is punishable by one to five years in prison. Assault carries a sentence of two to eight years, and inciting violence one to five years.

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