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Why Did He Die?

Teen-Ager's Lonely Journey To 10 Institutions

On Jan. 17, Michael James Ervin died at age 17. But his hanging death in an Orangevale group home has raised questions about the subsequent investigation and about California's system of institutional and foster care. This is the first of a two-part report.

By Sigrid Bathen
Bee Staff Writer

Seven months short of his 18th birthday, Mike Ervin was found dead or dying in the bathroom of a converted Orangevale duplex.

Not 45 minutes before, he was seen — happy and visiting with classmates — at La Vista Continuation High School, which his friends say is a 10- or 15-minute walk from the New Haven foster group home where he lived.

The official verdict is that Mike Ervin committed suicide — that on the afternoon of Jan. 17, 1980, he hanged himself with a 21-inch-square navy blue and white bandana from the aluminum frame of a bathtub enclosure. His muscular, 6-foot, 158-pound body, as one account would have it, was dangling over the side of the tub, knees bent.

For the last five years of his life, Michael James Ervin was a child of California's institutional and foster care system — a veteran of at least nine institutional and "group" homes, as the communal homes for children are called in the foster care business, as well as one state mental hospital and the revolving door of juvenile incarceration. Often when he was in Yolo County Juvenile Hall, recalls one worker who knew him, it was for "placement failure," a trade term for kids who don't fit in wher-

ever the state or one of its 58 counties decide to place them — at considerable public cost.

Juvenile probation records are, with some exceptions, confidential, so any knowledge of his background was gleaned from friends and family, teachers and school officials, juvenile authorities who were willing to talk, some without being named, and documents obtained by The Bee.

At school, Mike was well-liked by students and staff, who object vociferously to the official accounts of his wanton and volatile behavior. Authorities paint an alternately changing picture of a sad, depressed, lonely boy or one who was violent, unpredictable. Flip sides, they say, of the same coin.

"That was Mike," says a girl who knew him. "He built a wall around himself. Having been locked up so much, he didn't trust easily. It was like he never learned how to swim and needed someone to throw him a life preserver. He really needed someone to care — somebody to care a lot."

Joseph Saul is Mike Ervin's 74-year-old grandfather. He lives in San Jose but has been in Sacramento much of the three weeks since his grandson's death trying to unravel what happened. He's not satisfied with all the answers, and he's worried about the questions.

He is bitter about his grandson's government-sanctioned care these past five years; and he wonders how some of the places Mike was in get licensed to house disturbed children. He particularly remembers visiting Mike in a Fort Bragg group home (which, according to licensing authorities, has since been closed), and he remembers not wanting to stay very long.

"He was so far from home," Saul remembers. "He phoned me to talk, and I bought him a Polaroid camera and sent it to him. Then I went to visit. The

kids were milling around like a bunch of animals. There was one big kid dressed in drag, and I thought at first he was a maid. The next morning there was not a damn thing for them to eat. One kid had found some dry cereal, but there was no milk."

From a Yolo County Probation Department memorandum, Jan. 21, 1980:

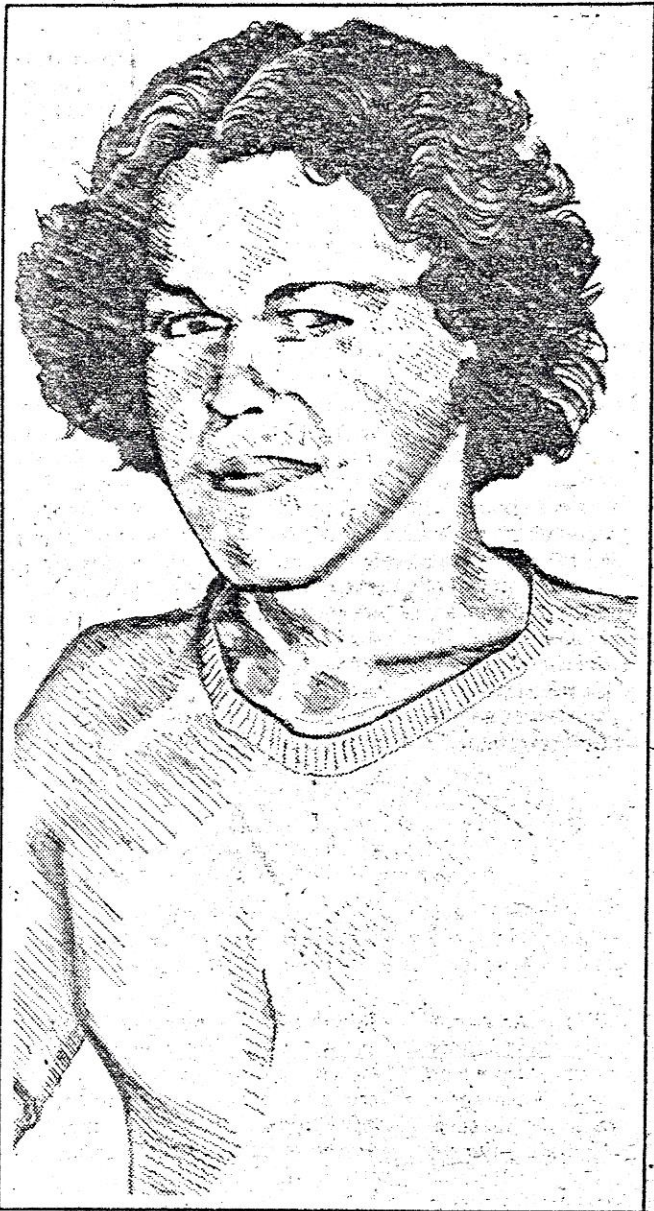
The following is a complete list of Michael Ervin's placements while a ward of the Juvenile Court:

- 4-4-75 Good Samaritan Center, Corona
- 9-17-75 Pacific Lodge Boys' Home, Woodland Hills
- 2-2-76 Ettie Lee Group Home, Twain Harte
- 3-5-76 Maidu Meadows, Butte County
- 4-23-76 Fred Finch Home, Oakland
- 1-21-76 Napa State Hospital
- 6-22-78 Ettie Lee Group Home, Fort Bragg
- 10-3-78 Along the Way Group Home, Elk Grove
- 12-13-78 Fouts Springs Boys' Ranch, Colusa County

2-3-79 New Haven Group Home, Orangevale
During the above period of time, if Michael Ervin was not in a placement facility he was either in his parents' home or in the Yolo County Juvenile Hall.

The minor's probation file is filled with data that would indicate that this minor was an extremely explosive youth who was verbally and physically violent and combative. Additionally, the minor could become extremely depressed and moody.

The minor, who was an adopted child, was never able to establish a meaningful relationship with his



Mike Ervin, left, gave 'trouble from the time he was a little bitty boy,' said Roland Ervin who adopted Mike.

"This thing is a tragic mess," says Roland Ervin, who is legally blind and runs a state cafeteria downtown. No, he doesn't mind talking about it. Might help him work through the pain.

"It goes back a long ways. We had trouble with Michael from the time he was a little bitty boy. He would do all kinds of things. First, it was mainly school problems. Teachers couldn't control him. Then he went down the street and stole a man's golf clubs.

"He had a mental problem we couldn't quite put our finger on. Believe me, we did everything we could, or thought we did. We had him in all kinds of different schools, ran all kinds of different tests. He'd start riots and all kinds of stuff. The most progress he made was when he was at Napa State Hospital. He really wasn't ready to be released.

"He came to us and was with us about two months. He was going to school, not doing great, but okay, not causing any real trouble. Then his mother left, and we were living in Broderick and Michael's friends were there and there was dope and stuff. I have partial vision in one eye, and the other is completely covered with cataracts. I was walking everyday to work, about four miles into town. I couldn't handle him. So I called the judge."

Roland Ervin remembers the last time he saw Michael was two weeks before Christmas. "He came to see me in the cafeteria, and I invited him to come over for Christmas because I was going to have the little boy with me. But he didn't show. He said he was working and going to school. When I talked to the probation officer, he said he was doing well and he was about ready to take him off probation."

Michael's friends at school say he didn't have anybody to spend Christmas with so he spent it with the family of one of his closest friends. Students and school staff find the notion of Mike committing suicide unthinkable.

They say he was elated about the possibility of being taken off probation and, as one student put it, "able to leave that hellhole" — a reference to the New Haven group home where he was placed by the Yolo County Probation Department one year ago, at a current public cost, according to state and county officials, of \$800 to \$1,000 per month per child. At the same time, his friends remember loaning him money to buy clothes because he had no money and his clothes were ragged.

"He was very conscientious," recalls Dorothy Waddoups, who runs the school snack bar where Mike worked. Principal Bob McCorkle remembers that Mike picked up his check for working in the snack bar, from the school office about 11:30 a.m. the day of his death. Two hours later, he was dead.

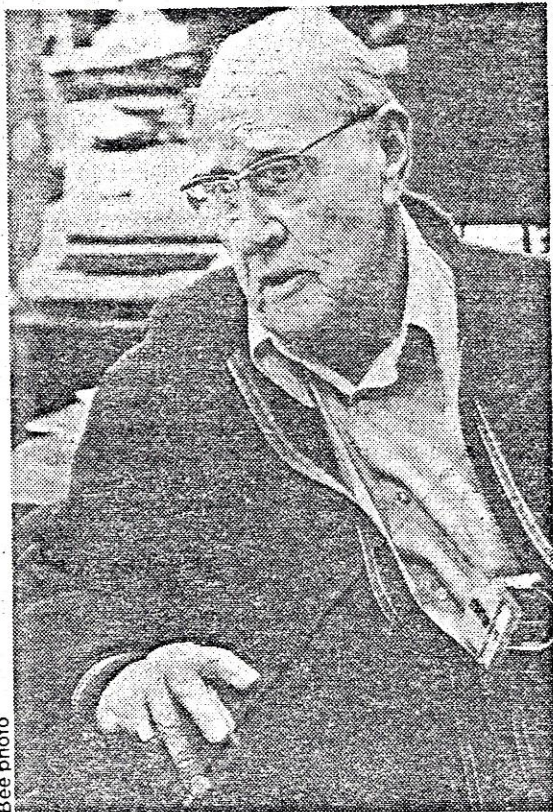
"Mike had no money," says Dorothy Waddoups, "but there was never any money missing (from the snack bar). He'd come to school on rainy days without even a jacket, and he had an old pair of tennis shoes. I tried to find out what size he wore so I could get him a pair of shoes, but he said, 'No, Dorothy, you work hard for your money.'

adopted parents throughout his teen-age years. There was no question that this minor had severe emotional and psychological problems throughout the period of time that he was under probation supervision.

Michael James Ervin was born Aug. 6, 1962, in San José. He was adopted as an infant by Roland and Mildred Ervin, who had earlier adopted a Korean girl, now 18. Twelve years after Michael was born, about the same time he officially became entangled with the juvenile justice system, his adoptive parents had their own child, a boy, now 5. Roland and Mildred Ervin were divorced two years ago, not long after Michael was released to his parents from a year in Napa State Hospital.

Mildred Ervin has since remarried, to a man named Lucky Huff, and they live in West Sacramento. Mildred Huff remembers that Michael first got into trouble when he was 9.

"We've been hurt enough," says Lucky Huff. "She has, most certainly. He wasn't neglected. He had everything he wanted. He just went bad, that's all. The kid went bad, that's all. If those rascals are going to get in trouble, they're going to get in trouble." No, he says, Mildred Huff doesn't want to talk about it anymore.



Bee photo

Joseph Saul is not satisfied with all the answers about his grandson's death.

"The day this happened, he came to get his lunch about 11:30, and he said, 'Guess what, Dorothy? They're going to cut me loose on parole, and I don't have to stay in that awful home.'"

The New Haven Group Homes, of which there are three in Sacramento County, are licensed by the state Department of Social Services to care for abused, neglected, disturbed and otherwise "problem" children. No clear distinction is made in the license about what "type" of children can be placed together, and each home is licensed to take six kids each. That means theoretically, and all too often in fact, that a kid who murdered her mother can be in the same home with a child whose only societal offense is that his parents abused or don't want him.

Critics say there are a lot of flaws in the system, but it's too easy to lay it on the licensing people — who are responsible for caseloads of as many as 150 facilities in widely ranging geographic areas. The state licenses the homes and — as in Mike Ervin's case — the counties place children in them.

Among several reforms of the much-criticized foster care system, State Social Services Director Marion Woods is considering a proposal which would make placement workers personally liable for the care of their young charges, who are often placed in homes far from the counties where they lived.

The month before Mike Ervin died, the Yolo County Probation Department investigated the New Haven home where he was placed because of questions about his care. The investigators found "numerous deficiencies and areas of concern," but chose to leave Mike there.

The day before he died, Mike was visited by a Yolo County probation officer — the third officer assigned to his case in the past year — who talked to him about Mike's approaching 18th birthday, the time when kids like him are often released to their own devices after years in the foster care system.

"It has come to our attention that some members of the New Haven group home staff feel that Michael Ervin was depressed as the result of being informed that his placement at New Haven group home would be terminated in the near future," Chief Probation Officer Gene Roh wrote in his analysis of the suicide.

"It was true that our department was considering terminating the minor's placement at New Haven. The reasons for this were several, which included some concern of ours over the operation of the group home." Roh said that when the probation officer left Michael on Jan. 16, the youth "appeared to be extremely pleased, and in a very good frame of mind." His classmates and school staff confirm that view.

"My personal assessment was that he really liked to be alive," said Mike's English teacher, Stan Meylor, who saw Mike in the parking lot of the school about 40 minutes before he was found hanging in the New Haven bathtub.

Next: The Investigation

Hanging . . . Lawyer Raises Questions About Probe Of Boy's Death

On Jan. 17, Michael James Ervin died at age 17. His hanging death in an Orangevale group home has raised questions about both the subsequent investigation and about California's system of institutional and foster care. This is the second of a two-part report.

By Sigrid Bathen
Bee Staff Writer

Robert "Butch" Goddard cuts an imposing figure. Biker tattoos adorn his huge arms. If you saw him working in a group home for children, you might have second thoughts about placing your child there.

Goddard knows all that, and he doesn't disagree. At 33, he says the biker life is behind him, and he wants to help kids stay out of trouble. Many of the kids he has known in the group home business will vouch for that.

Goddard says he and his wife, Terri, (who, according to the coroner's report, cut Mike Ervin down from the shower frame) work in a "floating administrative capacity" for the New Haven group homes, which are owned by Jim Bartholomew, a San Francisco audio-visual products salesman, and Ken Williams, a Roseville minister.

Goddard says he wasn't in the home at the time Mike Ervin allegedly hanged himself. The big ex-biker is crying during the interview, and he produces two typewritten notes — one an expression of gratitude to Goddard, the other including a mention of suicide — which he says were found in Mike's room after the teen-ager's death.

The notes are not signed, and several youths at school say Mike didn't know how to type.

"I was a Mike Ervin," Goddard says. "I was the tough guy with my Harley-Davidson and my tattoos and kids would flock around me.

My mother told me I could either help them or hurt them.

"I own two Harley-Davidsons, and they now have cobwebs in the carburetors.

"My wife and I were really close to Mike. We had a lot of plans."

Goddard says Mike had a clothing allowance but chose to maintain a threadbare "macho image."

Dorothy Waddoups, who supervises the La Vista Continuation High School snack bar where Mike worked, finds that contention absurd. "Mike wanted to look nice," she says, "but he had no money."

Many of the photos of Mike at school outings and family gatherings show his muscular upper torso shirtless. He was obviously proud of his physique, and reportedly had a number of girlfriends.

The evening before his death, Goddard says, Mike "did seem elated" about the prospect of getting off probation — a prospect Mike's Yolo County probation officer discussed with him the day before he died.

"Then he stopped smiling," Goddard recalls, "and he said, 'You know, it's like leaving home again.'"

"Mike was always terrified of Aug. 6 (which would have been his 18th birthday). I think he realized there was no place to go. I think a lot of frightening thoughts went through his head."



Bee Photo

Attorney Dorothy Bonner presses for answers.

Dorothy Bonner is a Davis attorney who specializes in juvenile law and she is former chairman of the Yolo County Juvenile Justice Commission. She has spent untold hours of her own time investigating Mike Ervin's death. She raises serious questions about the investigation of the death, and points to the account of an ambulance attendant who says the scarf Mike allegedly used to hang himself was not cut — an account which she says lends credence to the possibility that Mike Ervin was murdered.

The Bee has interviewed all six emergency personnel called to the scene, including four Citrus Heights firefighters and two ambulance attendants. One ambulance attendant insists the scarf was not cut, one fireman said it was; others can't recall exact details. Several recall seeing a serrated-blade knife — which Terri Goddard is said to have used to cut Mike down from the shower frame — on a bathroom counter.

A full Sacramento County Sheriff's Department homicide investigation was not initiated until several days after the youth's death,

although deputies were on the scene at the home and later at the hospital. The scarf was not picked up by coroner's investigators until the day after the death. It was cut near the knot.

One ambulance attendant said deputies at the scene "didn't approach us or talk to us at the hospital," although the attendants were later interviewed by Sheriff's Homicide Sgt. Don Habecker. That attendant also said he saw no adults at the scene — contrary to the officially accepted account that Terri Goddard was there.

Habecker and Deputy Coroner James Hosang believe the boy's death was a suicide. They point to physical evidence that Michael Ervin hanged himself, and Habecker says Terri Goddard was on the other side of the duplex with her two young children when the ambulance attendants arrived shortly after the firemen.

"I'm totally convinced he hanged himself," says Dr. Pierce Rooney, chief of forensic pathology for the coroner's office. "This boy would have put up a fight (if he were murdered), and there were no defense marks — no neck hemorrhages, no broken cartilage. We see suicide by hanging fairly frequently, and the signs differ greatly from the signs of a garroting."



Photo Special To The Bee

Michael Ervin . . . on a school outing.

Dorothy Bonner isn't satisfied, and neither is Roland Ervin, who is calling for a grand jury investigation into his son's death. Both are troubled by what they say is a disturbing relationship between Ervin's death and the 1975 hanging death of 16-year-old Frank Lyman in Yolo County Juvenile Hall, which was ruled in a coroner's inquest to have been "at the hands of another, other than by accident."

Bonner says Mike Ervin and another youth discovered Frank Lyman's body hanging in his Juvenile Hall cell 12 hours before it was allegedly discovered by Juvenile Hall staff. Her account is substantiated by Roland Ervin and Mike's grandfather, Joseph Saul, who say Mike told them he had found a boy hanging in Juvenile Hall.

Officially, Frank Lyman's death was not discovered until the morning of April 6, 1975, although autopsy reports indicated he died 12 hours earlier. A counselor testified during the inquest that he had seen Lyman en route to the bathroom four hours after the pathologist said he died.

Bonner says the circumstances of Mike Ervin being placed under Yolo County conservatorship after Lyman's death were "highly unusual." She wonders why it was necessary to send a 13-year-old boy to Napa State Hospital and suggests that certain county officials wanted him out of the county, out of the way.

Yolo County officials flatly deny her allegations, and insist that Mike Ervin was not in Juvenile Hall at the same time as Frank Lyman.

According to probation department records, Mike Ervin was sent to Good Samaritan Center in Corona on April 4, 1975; Frank Lyman died April 5 or 6.

Officials at Good Samaritan say their records are confidential and, in any event, are destroyed after three years.

Yolo County probation authorities dismiss any possible connection between the two hanging

deaths. They insist both cases are sad, but closed. Chief Probation Officer Gene Roh says further investigation is unnecessary. "Our records indicate the minors were not together," he said. "I'm not interested in pursuing it just because Dorothy Bonner says it should be."

Bonner and Davis attorney No-reen Mazelis, a former member of the Yolo County Juvenile Justice Commission who also criticized the county's handling of the Lyman investigation, insist county officials did not properly investigate Frank Lyman's death — or worse, didn't want to. They fear, now, that history is repeating itself.

"If there is anything that comes out of the deaths of Frankie Lyman and Mike Ervin," Mazelis says, "it is that the state is no better a parent than anybody else."