State of Florida Department of Juvenile Justice

Frank Peterman, Jr., Secretary



Office of the Inspector General

FISCAL YEAR 2009-2010 ANNUAL REPORT

The Courage of Integrity

The highest courage is to dare to be yourself in the face of adversity.

Choosing right over wrong, ethics over convenience, and truth over popularity...

These are the choices that measure your life.

Travel the path of integrity without looking back,

for there is never a wrong time to do the right thing.

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Office of Inspector General

Department of Juvenile Justice
Annual Report for Fiscal Year 2009-2010

CHARTER OF OPERATIONS

Vision

The children and families of Florida will live in safe, nurturing communities that provide for their needs, recognize their strengths and support their success.

Mission

The mission of the Department of Juvenile Justice (DJJ) is to increase public safety by reducing juvenile delinquency through effective prevention, intervention, and treatment services that strengthen families and turn around the lives of troubled youth.

Office of the Inspector General's Mission

The DJJ Office of the Inspector General (OIG) ensures that the Department, its employees and partners maintain the highest level of integrity, accountability and efficiency as we work together to increase public safety by reducing juvenile delinquency in Florida.

Purpose

The purpose of the DJJ OIG is to provide a central point for coordination of, and responsibility for, activities that promote accountability, integrity and efficiency in government, and to conduct independent and objective audits, investigations, and reviews relating to the programs and operations of the Department of Juvenile Justice. The Office of Inspector General assists the Department in the accomplishment of its objectives by promoting economy and efficiency, and in preventing and detecting fraud and abuse in its programs and operations.

Authority

The DJJ OIG reports directly to the Secretary of the Department. The authority of the DJJ OIG, outlined in Section 20.055, Florida Statutes, allows for full, free, and unrestricted access to all persons, records, and other information relevant to the performance of engagements.

Responsibilities

The DJJ OIG is statutorily assigned specific duties and responsibilities for its audit and investigation functions. Section 20.055(2), Florida Statutes, requires the appointment of an Inspector General by the agency head and specifies the Inspector General's responsibilities.

The OIG's responsibilities include:

- Promotes economy and efficiency in agency programs and operations, and to prevent and detect fraud and abuse:
- Providing direction for and coordinating audits, investigations, and management reviews relating to the programs and operations of the agency;
- Recommends corrective action concerning fraud, abuses, weaknesses, and deficiencies and report on the progress made in implementing corrective action;
- Advising in the development of performance measures, standards, and procedures for the evaluation of agency programs; reviewing actions taken by the agency to improve program performance and meet program standards; and
- Ensuring an appropriate balance is maintained between audit, investigations, and other accountability activities.

The Inspector General is required by statute to provide the agency head an annual report by September 30 each year summarizing the activities of the OIG during the immediate preceding state fiscal year. This document, which is presented to the DJJ Secretary, provides information to departmental staff and other interested parties on how the OIG accomplishes its mission.

Independence and Objectivity

The OIG's activities shall be independent and the OIG staff shall be objective in performing their work. The Inspector General reports to the Secretary and will not be subject to supervision by any other employee of the Department to ensure that audit, investigative, and other activities remain free from interference in the determination of the scope of activities, performance of work, and communication of results. ¹According to standards, the OIG shall refrain from participating in any operational activities that it might be expected to review or appraise or that could otherwise be construed to compromise the independence and objectivity of the OIG.

Scope of Work

The scope and assignment of the activities shall be determined by the Inspector General. However, the Secretary of the Department may at any time direct the Inspector General to perform an audit, investigation or review of a special program, function, or organizational unit. The scope of work is to determine whether the department's risk management control, and governance processes are adequate and functioning in a manner to ensure risks are appropriately identified and managed; significant financial, managerial, and operating information is accurate, reliable, and timely; resources are acquired economically, used efficiently and adequately protected; programs, plans, and objectives are achieved; quality and continuous improvement are fostered in the organization's control process; and significant legislative or regulatory issues impacting the department are recognized and addressed appropriately.

¹ Section 20.055(3)(b), Florida Statutes

Professional Standards

The Office of Inspector General will follow appropriate professional standards in fulfilling its responsibilities. These include the *International Standards for the Professional Practice of Internal Auditing* and the *Code of Ethics* of the Institute of Internal Auditors, Inc., *Generally Accepted Governmental Auditing Standards* issued by the Comptroller General of the United States, and applicable standards from the Association of Certified Fraud Examiners, and the State of Florida Auditor General's Rules.

Periodic Assessment

The Inspector General shall periodically assess whether the purpose, authority, and responsibility, as defined in the charter, continue to be adequate to enable the OIG activities to accomplish its objectives to assist the Department in the accomplishment of its objectives.

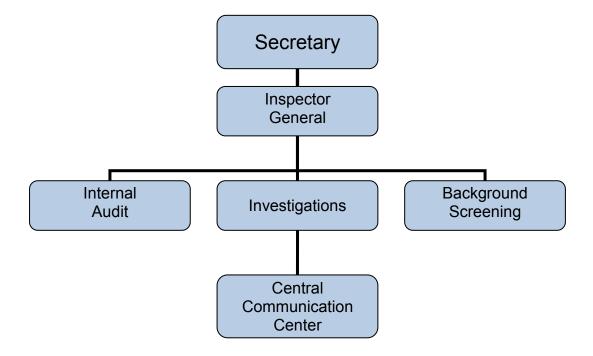
Historic Overview

The term "inspector general" historically has been associated with maintaining and improving the operational efficiency of our nation's armed forces. In the 1970's, Congress adopted the idea and created civilian inspectors general to address fraud, waste, abuse and corruption in federal agencies.

An audit function was established in the Department in the 1960's. This function evolved into audits and investigations and, in the 1980's it was designated as the Office of Inspector General. In 1994, amendments to Section 20.055, F.S., required an OIG in each state agency.

Organization

The DJJ OIG is staffed with 30 full-time employees and 11 Other Personal Services employees under the direction of the Inspector General. The organizational structure for the OIG is as follows:



Organization and Staff

The Office of Inspector General has four main operating functions: The Bureau of Internal Audit (BIA), the Bureau of Investigations, the Central Communication Center (CCC), and the Background Screening Unit (BSU).

In order to maximize efficiency and accomplish its mission, the OIG has organized the office as shown in the chart below:

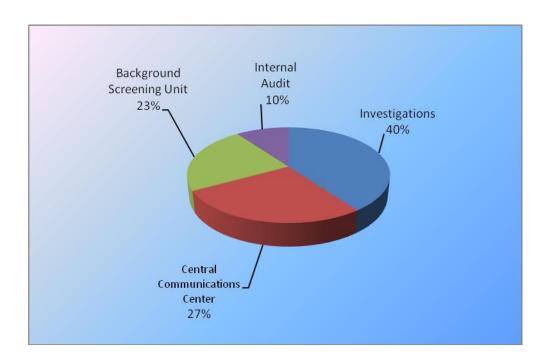
Bureau of Internal Audit (BIA): This function provides independent appraisals of the performance of department programs and processes, including the appraisal of management's performance in meeting the department's information needs while safeguarding its resources.

Bureau of Investigations: This function works to deter, detect and investigate crimes or misconduct impacting the department.

Central Communications Center (CCC): This section provides 365-day a year incident/complaint hotline coverage. The CCC provides information to DJJ to assist in maintaining a safe environment for the treatment and care of youth in department programs.

Background Screening Unit (BSU): The BSU assists the department in meeting its goal of hiring applicants who meet statutory and agency standards of good moral character by conducting background screenings pursuant to Chapters 39, 435, 984, and 985, Florida Statutes, and the Department's background screening policy and procedure.

STAFF RESOURCES



Staff Certifications

Expertise within the OIG covers a variety of disciplines with employees being technically qualified in auditing, accounting, investigations, background screening, and information technology. Staff members continually seek to augment their professional credentials, further enhancing their abilities and the contributions they make. Additionally, staff members participate in a number of professional organizations to maintain proficiency in their profession and areas of certification.

The accomplishments of the staff in obtaining professional certifications represent significant time and effort by each staff member, reflecting positively on the individual as well as the Department.

The table below details the number of advanced degrees/certifications held in the OIG.

Degrees/Certifications	No.
Certified Internal Auditor	3
Certified Public Accountants	2
Certified Inspector General	2
Certified Inspector General Investigator	11
Certified Public Manager	3
Certified Fraud Examiner	4
Certified in FDLE Criminal Justice Information Services	9
Certified FDLE Terminal Agency Coordinator	1
Certified by the Equal Employment Opportunity Commission	1
Notary Public	13

Staff Affiliations

American Institute of Certified Public Accountants
Institute of Internal Auditors, Inc. (National and Local Chapters)
Association of Certified Fraud Examiners
The Association of Inspectors General (National and Local Chapters)
The Florida Audit Forum

Staff Development

During FY 2009-2010, DJJ OIG staff participated in a variety of professional trainings including courses to meet the Government Auditing Standards (GAS) requirements. GAS standards require each auditor, every two years, to complete at least 80 hours of continuing education and training that contributes to the auditor's professional proficiency. The OIG staff remains committed to seeking professional excellence through training and development to improve and expand the products we can offer and to ensure high quality service to our customers.

Bureau of Internal Audit

The Bureau of Internal Audit, under the direction of the Inspector General, assists the Secretary and the Department in deterring and detecting fraud, waste and abuse and provides assurance that the department uses its resources in an efficient and effective manner.

The Bureau of Internal Audit carries out its function for the Department under the leadership of the Director of Audits who reports to the Inspector General. The bureau's staff is composed of an Audit Director, one Operation Review Specialist, and two Management Review Specialists (Senior Auditors).

Audit Responsibilities

Pursuant to section 20.055(5), Florida Statutes, the bureau conducts performance, information technology, financial, and compliance audits of the department and prepares reports of its findings and recommendations. Audits are performed in accordance with the Standards for the Professional Practice of Internal Auditing, published by the Institute of Internal Auditors. An audit involves obtaining an understanding of internal control structure; assessing control risk; testing of records and responses of inquiries by obtaining corroborating evidentiary matter through inspection, observation, confirmation and other procedures.

In addition to audits, the bureau performs non-audit services, such as special projects, and provides other management advisory and consultant services to the department.

The Institute of Internal Auditors defines internal auditing as an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

Accomplishments for FY 2009-2010

During the fiscal year, the Bureau of Internal Audit completed major audits, reviews and projects consisting of the following:

- Four operational audits;
- Two follow-up reviews to outside agency audits;
- Two follow-up reviews to internal audits;
- Various management advisory projects and coordination with Auditor General and Federal audits.

Operational Audits

Operational audits are comprehensive reviews of the department's systems, programs, and processes to appraise the efficiency of operations and the effectiveness with which these functions achieve their objectives. These audits also include determining whether the department acquired, protected, and used its resources economically and efficiently in accordance with applicable laws and regulations.

The bureau issued four (4) operational audit reports.

Audit of Prevention and Victim Services Grant Management & Monitoring

The Department Juvenile Justice Prevention programs provide intervention for at-risk youth and their families in order to reduce juvenile crime. The Department contracts with providers to provide prevention services that target particular geographic areas with high numbers of at-risk youth. Funding sources include general revenue dollars and state and federal grants.

The audit objectives were to determine whether:

- Prevention grants were properly managed;
- adequate grant monitoring was provided; and
- A sufficient level of technical assistance was provided to grant recipients.

The audit indicated that the Office of Prevention and Victim Services (Prevention) did not adequately manage federal and state grants, which resulted in poorly written grant agreements, questions as to whether contracted services were received, and inadequate oversight in ensuring sub-recipients complied with required grant provisions.

Ineffective management of the contracting process resulted in numerous settlement agreements, execution of grant agreements that did not clearly outline measurable deliverables, and raised questions as to whether overpayments were made to sub-recipients.

Examination of grant management indicated areas for improvement. Prevention did not close out grants at the end of the funding period. The process for advancing grant funds was lengthy and was not managed to ensure funds due the Department were received. There were lapses in documentation in the grant files that verified the sub-recipient's compliance with grant provisions. There were no clear indicators of when a corrective action plan was required for under-performing sub-recipients. There were also no clear indicators to identify conditions that warrant grant termination.

There were also areas for improvement related to grant monitoring. There was generally no written report that accompanied the monitoring tool (checklist) that outlined deficiencies and conclusions reached regarding programmatic and fiscal compliance. Creation of a partnership with the Bureau of Finance and Accounting's fiscal monitors offers opportunities to strengthen the monitoring process.

We further found there was a level of inexperience of the federal grant monitors that hampered their effectiveness in grant monitoring. All federal grant monitors were in their positions less than one year and were not provided written operating procedures or grant management training.

Audit of Staff Development Training Operations

The Department's Office of Staff Development and Training (SD&T) is responsible for providing the certified training programs. SD&T has three Department staff (including SD&T Director) and 18 contracted employees to develop and manage the training programs. There are four training academies managed by SD&T contracted employees to provide classroom setting training to direct-care staff. The SD&T contracted employees also serve as academy instructors.

SD&T provides training programs to the Department's direct-care staff by procuring training services from a private training provider and four state community colleges. SD&T entered into a contract with SSB, Inc., a distance training provider, to provide training courses for the Department's employees. Training courses are provided through the SSB, Inc. website (www.itrainnow.com) known as CORE. SSB, Inc. is paid in advance for the license fees of CORE. Fees are prorated on a quarterly basis at \$8.75/quarter times the number of licenses obtained by the Department. Training services from four state community colleges (Tallahassee Community College, Broward Community College, Valencia Community College, and Hillsborough Community College) are procured through purchase orders (PO).

The objectives of this audit were to determine whether:

- Staff Development and Training operates in accordance with law, rules, and Department policies and procedures;
- adequate controls are in place to ensure the effectiveness of Staff Development's training programs; and

Training service contracts are properly managed and monitored.

This audit revealed that, in general, SD&T provided the statutorily required training to the Department's direct-care staff by designing, implementing, maintaining, and revising staff training programs and certification exams. However, the audit indicated that there was lack of adequate controls in place to ensure the integrity and effectiveness of the training programs; training services from the community colleges were not procured in accordance with pertinent laws and rules; and training service contracts were not properly managed and monitored. The audit also indicated that administration of the training programs needs improvement.

Audit of Children and Families in Need of Services (CINS/FINS)

The Department of Juvenile Justice (DJJ) contracted with the Florida Network of Youth and Family Services (Florida Network) to provide statewide delivery of Children in Need of Services and Families in Need of Services (CINS/FINS). The DJJ Office of Prevention and Victim Services (Office of Prevention) was named as contract manager. The original contract amount was \$95,459,418.58 for the three-year period. There were five amendments to the contract, reducing the total contract amount to \$88,954,752.37. For the audit period July 1, 2008, to June 30, 2009, \$29,271,583 was allocated to the Florida Network to administer CINS/FINS services. The Florida Network entered into 34 sub-contracts with local service providers (LSPs) to provide CINS/FINS services throughout the 20 judicial circuits in Florida.

The audit covered the period July 1, 2008, through June 30, 2009, and related activities through January 15, 2010. The audit objectives were to determine whether:

- funds were expended in accordance with federal and state regulations; and
- processes are in place to monitor fund expenditures.

The audit indicated significant internal control deficiencies existed at Florida Prevention Association (FPA), a sub-contracted LSP. We found a non-functioning Board of Directors (Board); The FPA President meeting with a single Board member without noticing the meeting or recording minutes of the meeting; Contracts were being entered into on behalf of the Board without knowledge, vote or approval of the full Board; Conflicts of interest between the FPA President and a for-profit business she owns and operates; The FPA President not recording payroll expenses and paying associated payroll taxes; The FPA President was the single signatory on checks; Unsupported expenditures; Unrelated expenditures charged against the contract; and, FPA's failure to follow travel guidelines outlined in Section 112.061(11)(b), Florida Statutes. These findings were referred to the Department of Financial Services for further review.

There were areas for improvement for the Office of Prevention in its role of contract manager. There was not sufficient review of payment invoices submitted by the Florida Network resulting in payment of \$6,524 in excess of the contracted amount of \$29,271,583. We found that although there appears to be an adequate level of monitoring being conducted on local service provider operations there was not adequate review of monitoring reports and corrective action plans prepared by the Florida Network's contracted monitors. Although the DJJ conducted its own limited monitoring of local service providers, a financial review was not conducted.

We discovered missing funds from the petty cash account for one local service provider that had sound, established petty cash procedures; however, staff circumvented controls. This resulted in procedural changes to strengthen internal controls over cash. We also found the petty cash process utilized by another local service provider heightened the likelihood of fund misappropriation.

We also found one instance of unlicensed business activity. Mount Bethel Human Services Corporation, a sub-contracted LSP, subcontracted with an entity that was not registered with the Department of State to conduct business in Florida.

Audit of Conditional Release

Conditional Release is the care, treatment, help, and supervision provided to juveniles while maintaining the principle to: protect the public, increase productive behavior, and provide for a successful transition of youth from the Department to his/her family and community. Technical violations of conditional release are handled administratively through the transfer process rather than through violations filed with the courts. The Department expended approximately \$27,891,000 during Fiscal Year 2008-2009, on conditional release services for youth.

The audit objectives focused on whether: 1) Policies and procedures were in place to ensure that program objectives were achieved; 2) Services to youth were provided in accordance with applicable statutes, rules and regulations, and policies and procedures, and; 3) Management exercised effective oversight over contracts with providers.

The audit indicated that, in general, there were policies and procedures in place to ensure that program objectives were achieved (The Probation and Community Intervention Handbook is a comprehensive document that outlines duties and responsibilities for Department and provider staff); services were provided in accordance with applicable statutes, rules and regulations, and policies and procedures; and management exercised effective oversight of contracted providers. However, the audit disclosed three areas for improvement: significant errors in the Juvenile Justice Information System (JJIS) related to admission and release dates pertaining to youth placement history; deficiencies with contract providers such as not having youth files available for review, not processing letters of extension for youth who exceeded 180 days in conditional release, and not completing Youth Empowered Success (YES) plans timely; and, the lack of desk procedures for providers who input data into the JJIS.

Internal and External Audit Follow-Up Activities

The OIG BIA is responsible for monitoring the Department's implementation of corrective action to address recommendations in audit reports and policy reviews issued by the Auditor General (AG), the Office of Program Policy Analysis and Government Accountability (OPPAGA), and the Department's Bureau of Internal Audit. The bureau provided liaison activities for AG operational audit and federal grants audit, and conducted follow-ups to monitor the status of corrective actions for several external and internal audits/reviews. The bureau issued the following six-month follow-up review reports:

- Follow-up on Auditor General Review Report #2009-111, Quality Assessment Review of Office of Inspector General's Internal Audit Activity.
- Follow-up on OPPAGA Review Report #2009-27, Redirection Saves \$36.5 Million and Avoids \$5.2 Million in Recommitment and Prison Costs.
- Follow-up on the Audit of Prevention and Victim Services Grant Management and Monitoring, conducted by Bureau of Internal Audit.
- Follow-up on the Audit of Detention Security Supervision, conducted by Bureau of Internal Audit.

Other Activities

The Florida Single Audit Act

The Florida Single Audit Act (FSAA) was enacted in 1998 by the Florida Legislature to establish uniform State audit requirements for non-state entities expending State financial assistance equal to or in excess of \$500,000. The bureau responded to the Department of Financial Services on behalf of the agency and coordinated compliance efforts. This included providing technical assistance, meetings, inter-agency correspondence and liaison activities. The bureau is responsible for reviewing the Financial Reporting Packages received from non-state entities to ensure compliance with the Florida Single Audit Act and the Federal Office of Management and Budget (OMB) Circular A-133, including management letters and corrective action plans, to the extent necessary to determine whether timely and appropriate correction has been taken with respect to audit findings and recommendations pertaining to state and federal

financial assistance. The bureau has implemented new policies and procedures to ensure compliance with the Florida Single Audit Act.

Communication with Management

The Office of Inspector General provides a centralized point for coordination of activities that promote accountability, integrity and efficiency. A major part of this responsibility includes keeping management informed of the many internal and external audits and related activities. The bureau also reviews the Department's response to external audit reports.

Bureau of Investigations

Investigations

The OIG Bureau of Investigations (Investigations) assists the Department in ensuring the promotion of accountability, integrity, and efficiency within the agency. In addition, Investigations assists in ensuring only those persons who meet statutory and Departmental standards for good moral character are selected to provide for the custody, care, safety, and protection of those youths entrusted to our supervision.

Investigative Unit

The investigative unit is charged with the responsibility of coordinating and conducting investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses within DJJ, involving both state and contract provider employees, programs, facilities, and offices.

All investigative activities are objective and unbiased. Inspectors submit detailed investigative reports, which include sworn statements and documentary evidence. The Inspector General reviews all completed cases for sufficiency and accuracy before signing and disseminating the final report. Investigations containing substantiated allegations are forwarded to management, which is responsible for implementing corrective action and reporting it to the OIG.

The OIG Chief of Investigations and the Inspector General review completed civil rights cases; however, a resolution panel presided over by the department's Equal Employment Opportunity (EEO) officer determines whether there is cause to believe either discrimination or harassment occurred. The Bureau of Investigations does not make recommendations concerning corrective action for EEO complaints.

In December 2007, to address the considerable number of incidents assigned to management, the Office of the Inspector General, working with department leadership established the Administrative and Program Review process. The purpose of this process is to ensure that all incidents warranting follow-up attention that do not rise to the level of an OIG investigation are assigned for review. Administrative Reviews are conducted by thirteen department staff assigned to the Office of Program Accountability, Administrative Review Unit to look at incidents that routinely occur in department programs. Program Reviews are conducted by state and provider operated program staff to look at routine incidents that are the least serious in nature, but still warrant follow-up. In both instances, designated staff attend OIG Program/Administrative Review training to learn basic investigative procedures. The results of these reviews are completed in the CCC database and are approved by the department's Assistant Secretaries.

Accomplishments for FY 2009-2010

During FY 2009-2010, the Bureau of Investigations assigned 121 complaints for Investigation, Inquiry, Referral to Management or other appropriate attention.

The Bureau of Investigations closed 88 investigations in fiscal year 2009-2010. Some of these investigations have multiple allegations that were investigated. The total allegations investigated during this period were 356. Of the allegations investigated 165 were substantiated, 100 were unsubstantiated, and 69 were found to be inconclusive. The remaining 22 allegations were either referred or Administratively closed.

The Bureau of Investigations closed 11 inquiries in fiscal year 2009-2010. Some of these inquiries have multiple allegations that were investigated. The total allegations investigated through inquires was 29. Of these allegations, 4 were substantiated, 11 were unsubstantiated, and 12 were found to be inconclusive. The remaining 2 were Administratively closed.

Substantiated findings are reported to management and may result in terminations, resignations, and other disciplinary and non-disciplinary actions, as well as programmatic changes.

Summary of Investigations

2009-2010 Annual Report Summaries

IG 09-0016/CCC 2009-00743 Hastings Youth Academy CIG 200902170001 & 200902240002

This investigation was predicated on two Whistle-blower complaints filed with the Office of the Chief Inspector General (CIG). The complainants and subsequent interviews disclosed nineteen (19) allegations of misconduct by management and direct care staff to include Violations of Policy & Rule (1), Failure to Report (13), Threats by Staff (1), Improper Conduct (1), Improper Supervision (2), Excessive Force (2), and Unnecessary Force (8). Hastings Youth Academy is a contracted residential program. Based on interviews conducted and documents reviewed a total of thirteen (13) staff members were identified and classified as subjects. A total of sixty-one (61) former and current staff members and youths were interviewed. The investigation resulted in eleven (10) substantiated, twelve (12) inconclusive, three (3) unsubstantiated, and three (3) prior determination findings of the allegations reported to OIG staff. Although disciplinary actions on former staff members identified as subjects had been taken previously by management, disciplinary action on the current employees identified as subjects was still pending.

IG 09-0045 /CCC N/A Florida Juvenile Justice Foundation

This inquiry was predicated upon notification from the OIG Audit Administrator that during a management review (R-18-0708-005) of the Florida Juvenile Justice Foundation (FJJF) a Dell laptop purchased with grant funds was discovered missing. The FJJF is a 501(c)(3) not-for-profit corporation and a direct-support organization for the Department, established under Florida Statute 985.672, to seek private supplemental funds to enhance but not supplant legislatively appropriated funding. OIG located the former director who initially denied she had the missing laptop but after checking with her ex-husband, who she alleged took it mistakenly during their separation, located it and returned it to the Department. No further action was necessary.

IG 09-0048/CCC N/A Florida Juvenile Justice Foundation

This investigation was predicated from an Office of the Inspector General audit review R-18-0708-005 of FJJF Financial Statements. During the course of the review it was alleged that the FJJF Executive Director employed her husband as the Financial Manager of the foundation. Based on documentation reviewed and interviews conducted the classification of Nepotism/Conflict of Interest was unsubstantiated; unrelated to the investigation, the subject resigned from her position.

IG-09-0053/CCC 2009-02011 Gulf Coast Youth Academy

This investigation was predicated on a complaint from a youth's mother that a facility staff had permitted other youth to fight her son, causing him to sustain a medial orbital fracture of his right eye. Gulf Coast Youth Academy is a contracted residential program. A review of surveillance video footage showed that two staff observed what was occurring inside the dorm room without intervening. Based on statements from witnesses, a review of the surveillance video, and review of other documentation, the classification of Improper Supervision was substantiated against the two staff. The classification of Improper Conduct

was also closed as substantiated against the two staff. One subject staff resigned and the other subject staff was terminated.

IG 09-0054/CCC 2009-02258 Seminole Regional Juvenile Detention Center

This investigation was predicated on anonymous complaint which alleged an Assistant Superintendent had inappropriate physical contact with several youths by slapping them in their abdominal area and ignoring their complaints of pain. Seminole Regional Juvenile Detention Center is a state operated detention facility. Based on the interviews conducted and records reviewed the classification of Improper Conduct and Unnecessary Force was substantiated; however, no evidence was found that the youths had any complaints or felt they were abuse. The subject staff was disciplined.

IG 09-0060/CCC 2009-02878 Polk Juvenile Detention Center

This investigation was predicated on a youth's complaint that while being transported by two detention staff from the Polk Regional Juvenile Detention Center to the Falkenburg Academy, one of the officers punched him in the face several times and placed him in a choke hold. The Polk Juvenile Detention Center is a state operated detention programs. Interviews of the officers showed the youth had unbuckled his seat belt, climbed to the rear of the transport van, and was trying to kick the vehicle's back doors open. The van stopped at a municipal law enforcement location for their possible assistance. The youth was brought under control, re-secured to the seat and transport to the Falkenburg Academy continued. During the investigation the youth was unable to identify which officer allegedly struck him. Based on interviews conducted and documents reviewed the classifications of excessive force and/or violation of policy/rule was inconclusive.

IG 09-0063/09-0064/CCC N/A DOVE

This investigation was predicated on a complaint from female youth who alleged that a male staff made sexual comments toward the class. Additionally, a female youth alleged the male staff pressed his erect private part against them. DOVE is a Department contracted residential program. This matter was referred to the Jackson County Sheriff's Office for criminal investigation, which determined that a criminal investigation would not be initiated. Based on documentation reviewed and interviews conducted the classification of Improper Conduct/Sexual Nature was unsubstantiated and the classification of Improper Conduct was inconclusive. As a result staff was recommended for sensitivity training, and red flag training.

IG 09-0069/CCC 2009-03050 Collier Academy

This investigation was predicated on an anonymous complaint which alleged the Collier Academy program director had improperly cancelled a youth's necessary medical appointments without sufficient cause. The complainant also alleged drugs were being smuggled into the facility by staff and that past incidents of found contraband/drugs had not been reported to the Department Central Communications Center (CCC) as required by policy. The Collier Academy is a contracted residential program. Based on interviews conducted and documents reviewed the classification of violation of policy/rule was unsubstantiated. The allegation that staff had smuggled drugs into the facility were closed as inconclusive. A prior investigation (CCC 2009-02121) showed the former Collier Academy program director was terminated by the contract provider for failing to ensure a notification was made to the CCC for the recovery of alleged marijuana.

IG 09-0071/CIG 200906150009 Leon Regional Juvenile Detention Center

This inquiry was predicated on a Whistle Blower complaint made to the Office of the Chief Inspector General Executive Office of the Governor, in which a former employee alleged she worked in a hostile, unsafe work environment, and was sexually harassed while employed at the Leon Regional Juvenile Detention Center. Leon Regional Juvenile Detention Center is a state operated detention program. Several of the complainant's allegations in the Chief Inspector General complaint were previously reported to the Departments Central Communications Center and to the Tallahassee Police Department. An investigation of those issues was not conducted since it would be duplicative of other investigations; however, an inquiry was conducted regarding the classification of Improper Conduct and Hostile Work Environment. OIG staff interviewed the complainant and reviewed reports and other records, including a

Management Review in which an additional eight youths and 21 staff were interviewed. The classification of Improper Conduct and Hostile Work Environment was closed as unsubstantiated.

IG 09-0077/CCC 2009-03388 George W. Harris Jr. Runaway and Youth Crisis Shelter

This investigation was predicated on an allegation from a Department Management Review Specialist with the Bureau of Quality Assurance that staff at the George W. Harris Jr. Runaway and Youth Crisis Shelter appeared to have falsified the shelter's fire drill forms on five separate occasions. The Harris Shelter is a contracted Prevention and Victim Services program. Records reviewed and interviews conducted with shelter residents' support that fire drills were conducted at various times where the alarms sounded and the shelter was evacuated as required. Staff interviews showed some facility staff had prepared fire drill forms during time periods when they were not officially on duty but were at the shelter assisting on-duty staff. Fire alarm system monitoring records were reviewed and determined to be unreliable. Based on records reviewed and interviews conducted the classifications of falsification and violation of policy/rule were closed as inconclusive.

IG 09-0088/CCC N/A Desoto Juvenile Correctional Complex

This investigation was predicated on a complaint alleging a former Department Superintendent created a hostile work environment by managing the complex through fear and intimidation and often made derogatory comments about staff. The complainant also alleged someone other than required staff completed online training courses. Desoto Juvenile Correctional Complex is a state operated residential program. Based on interviews conducted and records reviewed the classifications of Hostile Work Environment and Violation of Policy/Rule were substantiated. Prior to the completion of this investigation the subject staff resigned.

IG 09-0093/CCC 2009-03947 Brevard Regional Juvenile Detention Center

This investigation was predicated on an allegation that numerous staff at the Brevard Regional Juvenile Detention Center had their personal information used to obtain loans from various finance companies. Brevard Regional Juvenile Detention Center is a state operated detention program. OIG staff coordinated this investigation with law enforcement officials. Computer forensic examinations conducted by the OIG, of multiple computers from the facility showed the subject accessed various loan companies. The subject attempted and had been successful in obtaining fraudulent loans under the identities of fellow co-workers using state owned computers within the facility. Based on the collective findings the staff was arrested and their employment was terminated. The subject was charged with four counts of Felony Identity Theft. The allegations of Criminal Statute Violation; Violation of Policy/Rule, and Computer Misuse were substantiated.

IG 09-0098/CCC N/A Bureau of Contracts

This investigation was predicated on an allegation that staff inappropriately used her State of Florida Purchase Card to pay for a rental car and fuel. The Bureau of Contracts is a state operated administrative office. A review of records showed that the staff falsified the State of Florida Authorization to Incur Travel Expenses, and that said travel was not in connection with state business. Based on documentation reviewed and interviews conducted the classifications of Falsification, Theft, and Violation of Policy/Rule were substantiated. As a result of the findings, staff was terminated from DJJ. This matter was referred to the Florida Department of Law Enforcement for criminal investigation. A determination by law enforcement was not available at the time of the annual report.

IG 09-0103/CCC 2009-03018 STEP I

This investigation was predicated on a report that a youth at the STEP I wilderness program sustain a hairline fracture to his right wrist when he fell during a Protective Action Response (PAR). STEP I is a contracted residential program. Residential Services initially assigned this incident for a 10-Day Initial Assignment; however, due to the nature of the injury the OIG reassigned the incident for investigation. Based on interviews conducted and documents reviewed, the classification of Excessive Force was unsubstantiated.

IG 09-0104/CCC N/A Circuit 16-Probation

This investigation was predicated on a complaint received from the Monroe County Sheriff's Office that a Juvenile Probation Officer had been sending sexually explicit text messages to a female youth who he was supervising on probation. Circuit 16-Probation is a state operated probation program area. During the course of the investigation, OIG staff learned that the Juvenile Probation Officer used his State issued cell phone to send the explicit messages. Based on interviews conducted and documents reviewed the allegations were substantiated. The Juvenile Probation Officer resigned his position.

IG 09-0111/CCC 2009-04432 Martin Girls Academy

This investigation was predicated on a complaint from a female youth who alleged she engaged in consensual sexual activity with a female employee while at an off-site mental health facility. Martins Girls Academy is a contracted residential program. Based on interviews conducted and documents reviewed the classifications of Improper Conduct/Sexual Nature and Improper Conduct Staff/Youth Relationship were unsubstantiated.

IG 09-0121/CCC 2009-05122 Kissimmee Juvenile Correctional Facility

This investigation was predicated on an allegation that a Youth Care Worker engaged in an improper relationship with a male youth. Kissimmee Juvenile Correctional Facility is a contracted residential program. During an interview the subject staff admitted she wrote the youth letters containing sexually explicit language but never engaged in a sexual relationship with the youth. Based on her admission, interviews conducted, and documentation reviewed, the classification of Improper Conduct (Staff/Youth Relationship) was substantiated. Prior to the completion of this investigation the subject staff was terminated.

IG 09-0122/CCC N/A Jackson Juvenile Offender Correctional Center

This investigation was predicated on an allegation that staff attempted a Protective Action Response (PAR) wrap-around intervention technique to restrain a youth, and as a result the youth sustained a fracture to his right arm. Jackson Juvenile Offender Correctional Center is a state operated residential program. Based on documentation reviewed and interviews conducted the classification of Excessive Force was unsubstantiated. As a result of the findings, no action was necessary.

IG 09-0125/CCC 2009-05252 Pensacola Boys Base

This investigation was predicated on an allegation that during a Protective Action Response by staff to restrain a combative youth, the youth sustained a fractured collar bone. Pensacola Boys Base is a state operated residential program. Based on a review of surveillance video of the incident and interviews conducted it was determined that while the use of physical force to restrain the youth was necessary, the staff used an unauthorized PAR technique and an allegation of Violation of Policy/Rule was substantiated. As a result of the findings, the staff resigned.

IG 09-0131/CCC N/A Florida City Police Youth Academy & Bay Point-North

This investigation was predicated on an allegation that a Case Manager with the Florida City Police Youth Academy (Academy) falsified a letter verifying that a former Bay Point Schools - North employee was attending drug treatment at the Academy. Florida City Police Youth Academy is a contracted probation program. Bay Point Schools - North is a contracted residential program. During the course of the investigation it was learned that the subjects were married and that the Academy does not offer any adult services. It was further learned that based on this letter the Bay Point Schools - North employee was rehired under false circumstances. As a result of the findings both employees were terminated and the Academy employee was arrested and charged with Misconduct by a Public Official.

IG 09-0140/CCC 2009-05237 Probation Unit #304, Deland Florida

This investigation was predicated on a complaint that a Juvenile Probation Officer violated the Florida Association of Court Clerks security agreement when she accessed information regarding a civilian from the Comprehensive Case Information System for personal non-official purposes, giving the information to her sister. Probation and Community Intervention is a state operated probation program. Based on her admission the classification of Improper Conduct (Violation of Confidentiality) was substantiated. As a result of the substantiated finding the subject staff resigned.

IG 09-0143/CCC N/A Duval Regional Juvenile Detention Center

This investigation was predicated on an anonymous complaint from a Duval Regional Juvenile Detention Center female juvenile justice detention officer who alleged a supervisor had victimized three female staff. Duval Regional Juvenile Detention Center is a state operated detention program. The caller provided the name of the supervisor and the names of the female staff. The investigation showed two female officers denied being sexually harassed by the supervisor; however the third female officer provided specifics regarding how she felt the supervisor harassed her but she did not want her issues with the supervisor to be escalated via formal channels. Based on interviews conducted and documents reviewed the classification of Violation of Policy/Rule was forwarded to the Department Equal Employment Opportunity Resolution Panel. The Panel found no cause to believe sexual harassment had occurred; however, the Panel substantiated other misconduct by the supervisor. The subject was terminated for reason unrelated to this investigation.

IG 09-0154/CCC N/A North Probation Office

This investigation was predicated from a letter which alleged that staff displayed hostile behavior in the work place and threatened harm to a contracted employee. The North Probation Office is a state operated program area of the Department. Based on documentation reviewed and interviews conducted the classifications of Improper Conduct and Violation of Policy/Rule were substantiated. As a result of the findings, staff was referred to Employee Assistance Program.

IG 09-0158/CCC 2009-06565 Martin Girls Academy

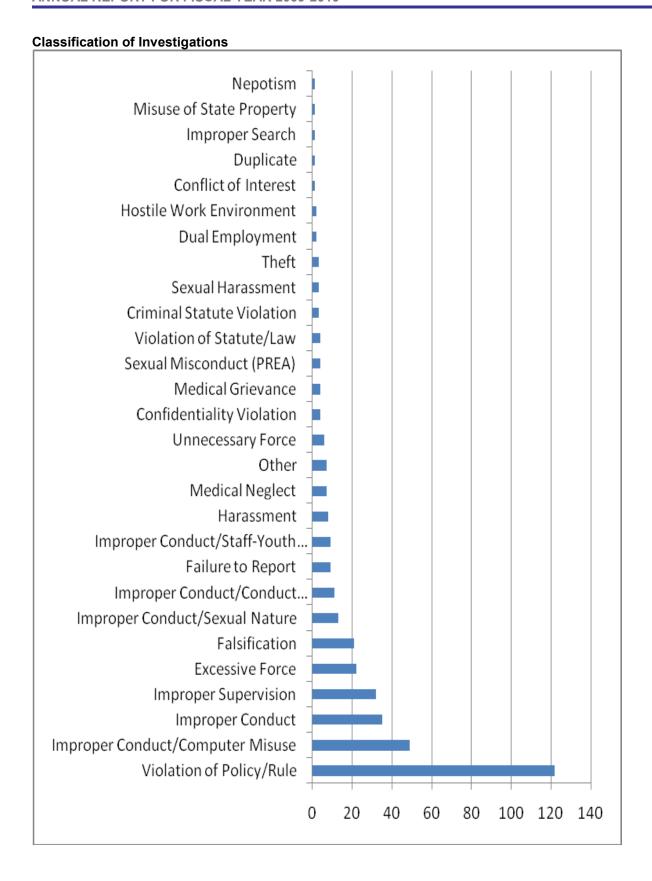
This investigation was predicated on a complaint from a female youth's maternal aunt who alleged a male employee had contacted and was attempting to visit the youth who had been released from the program. Martins Girls Academy is a contracted residential program. During the course of the investigation, the youth's mother also alleged that her daughter had access to the facility computers and had been sending inappropriate emails to friends while a resident at the facility. Based on interviews conducted and documents reviewed the classifications of Improper Conduct/Violation of Policy/Rule and Improper Supervision were substantiated. The subject initially submitted his resignation when confronted with the allegations; however, the facility terminated his employment based on the evidence.

IG 10-0015/CCC N/A Desoto Dual Diagnosed Correctional Facility

This investigation was predicated on an allegation that a male applicant was a subject of age-based discrimination. The subject alleged he interviewed for a vacant position and was initially lead to believe he had been hired but later found out that the position had been given to a younger candidate. The subject alleged the decision not to hire him was due to his participation in the DROP program. Desoto Dual Diagnosed Juvenile Correctional Facility is a stated operated residential program. Based on interviews conducted and documents reviewed the classification of Violation of Policy/Rule was forwarded to the Department Equal Employment Opportunity Resolution Panel. The Panel determined there was no cause to believe age related discrimination had taken place; however, the Panel recommended that the Department recruitment and hiring procedures be reviewed to ensure compliance with Federal and State rule, statute, and codes as it relates to employment issues.

Computer Forensic Technical Assistance

During the reporting period the OIG provided technical assistance in the form of computer forensic examinations for 9 investigations being conducted by the OIG or other government agencies. A total of 24 computer hard drives and memory storage devices containing over 1.2 terabytes of data were seized and forensically examined. All examinations were conducted in a forensically sound manner to identify possible subjects and to document and secure digital evidence relating to the violation of DJJ (or requesting agency) policies and procedures.



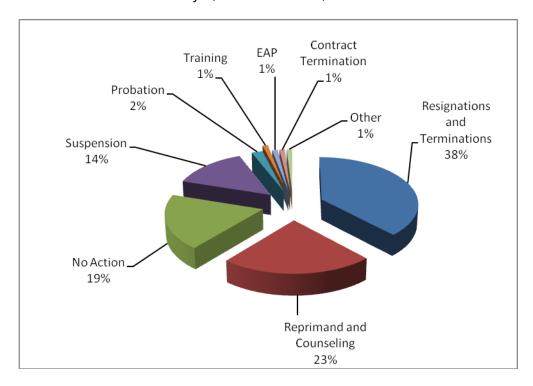
Categorization of Investigations/Inquiries Closed During Fiscal Year 2009-2010

Allegation Category	Total	Substantiated	Unsubstantiated	Inconclusive	Referred	Administratively Closed	Substaintiated Allegations as Percentage of Total Allegations
Confidentiality Violation	4	3	1				75%
Conflict of Interest	1		1				0%
Criminal Statute Violation	3	1			2		33%
Dual Employment	2		2				0%
Duplicate	1					1	0%
Excessive Force	22	1	10	9		2	5%
Failure to Report	9	6	3				67%
Falsification	21	1	4	15		1	5%
Harassment	8	1	7				13%
Hostile Work Environment	2	1	1				50%
Improper Conduct	35	15	14	5		1	43%
Improper Conduct/Computer Misuse	49	38	3	8			78%
Improper Conduct/Conduct Unbecoming							
a Public Employee	11	7	1	3			64%
Improper Conduct/Sexual Nature	13	2	8	2		1	15%
Improper Conduct/Staff-Youth							
Relationship	9	4	4	1			44%
Improper Search	1		1				0%
Improper Supervision	32	11	15	6			34%
Medical Grievance	4	4					100%
Medical Neglect	7		6	1			0%
Misuse of State Property	1		1				0%
Nepotism	1		1				0%
Other	7	1	2			4	14%
Sexual Harassment	3	2	1				67%
Sexual Misconduct (PREA)	4					4	0%
Theft	3				1	2	0%
Unnecessary Force	6	1		4		1	17%
Violation of Policy/Rule	122	70	25	24		3	57%
Violation of Statute/Law	4			3		1	0%
Total	385	169	111	81	3	21	44%

Source: OIG Database

Disciplinary Actions

July 1, 2009 - June 30, 2010



The Central Communications Center

The DJJ OIG established the Central Communications Center (CCC) in December 1994, which at that time was known as the Incident/Complaint Hotline. The Incident/Complaint Hotline was maintained by the DJJ OIG from December 1994 until July 2004, when it was assigned to Residential and Correctional Services. In June 2006, the CCC was reassigned to the Office of the Inspector General pursuant to Chapters 9 and 5, Florida Statutes. The OIG CCC provides information to DJJ to assist in maintaining a safe environment for the treatment and care of youth in department programs.

Operational Hours and Procedures

Policy/Procedure FDJJ-8000, Central Communications Center, requires both department staff and contract provider staff to report certain prescribed incidents to the CCC within 2 hours of the occurrence or knowledge of the occurrence. Incidents are called in to a toll-free telephone number 7-days a week, 365 days per year.

The CCC is staffed by the following positions: one (1) Operations and Management Consultant II – Supervisor, and eight (8) duty officers in the following positions: four (4) full time employees as one (1) Operations and Management Consultant II (OMCII), two (2) Operations and Management Consultant I (OMCI), and one (1) Government Analyst I (GAI), and four (4) other personnel services employees as three (3) Government Operations Consultant I (GOCI), and one (1) part-time OPS GOCI — who receive and process calls. This process guarantees receipt of incidents by the duty officers as all incidents are deemed critical to department operations, thereby necessitating expedited reporting. The duty officers simultaneously enter reported incidents into the CCC Tracking System, which is a specialized management information tracking system. Once incidents are entered into the CCC tracking system notification is sent to the Secretary, Branch Representatives, and the OIG for assignment and response.

The following are some of the reportable incident types:

- Staff and Youth Deaths
- Staff Arrests
- Escapes from Secure Facilities
- Life-threatening Staff and Youth Injuries
- Disturbances
- Display/Use of Deadly Weapons
- Staff and Youth Sexual and Romantic Relationships
- Theft of Staff/Youth Owned Property
- Alleged Improper Use of Force and Abuse
- Medical/Mental Health issues

Central Communications Center Data System

A daily report is generated from the CCC Tracking System and distributed each administrative workday to the DJJ OIG, Secretary, and various branch representatives to notify them of incidents received, within the prior 24-hour period. The tracking system allows the DJJ OIG and various branches to assign incidents, track the findings and corrective actions, and to close incidents without generating a paper report.

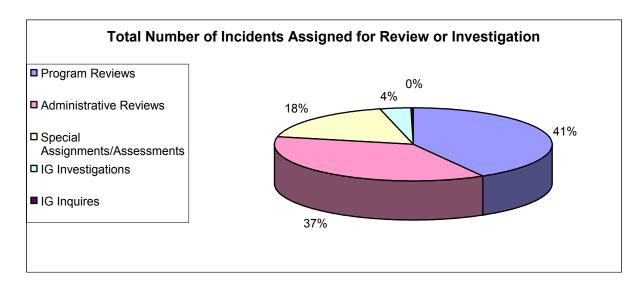
Other Functions

In addition to answering telephone calls and entering incidents into the CCC system, the CCC Supervisor, 7 full-time duty officers, and 1 part-time duty officer also perform the following functions:

- Provide assistance for all public records requests by searching and compiling information into a spreadsheet from the CCC system.
- Assist in resolving employment issues by researching missing disposition information or any discrepancies with an employee's CCC incident history.
- Assist the program areas with any CCC incident changes, updates or assignments within the system.
- Scan and attach any documents related to a CCC incident into the system.
- Review and input any Abuse Registry Investigative or Phoenix Reports received via fax into the CCC system.
- Provide statistical data when requested for departmental use.
- Provide technical assistance to OIG Inspector Specialists and other program areas by researching the voice recording system and making the telephone recording available for viewing.
- The voice recording system is also used as a training tool for the duty officers.
- Provide customer service assistance and guidance to citizens who need department services.

Accomplishments and Statistical Data for FY 2009-2010

- Updated the CCC Incident/Complaint blank report form for usage on-line.
- The CCC Policy (FDJJ 8000) workgroup was developed to change the policy to a Rule.
- Approximately 12,243 calls were received by duty officers.
- The duty officers entered a total of **5,294** incidents into the enhanced CCC tracking system. The majority of these incidents dealt with medical issues **(2,254)**, complaints against staff **(1,318)**, and youth crimes while under supervision **(618)**.
- Approximately 8,938 classifications were assigned to the incidents for appropriate processing and closure. Some incidents are assigned multiple classifications based on the nature of the incident.
- A total of 1,713 incidents were assigned for either a review or investigation. This number comprises 714 Program Reviews, 629 Administrative Reviews, 304 Special Assignments/Assessments, 62 IG Investigations, and 4 IG Inquiries.



BACKGROUND SCREENING UNIT

The Background Screening Unit (BSU) is a function within the Inspector General's Office that assists the Department in meeting its goal of hiring applicants who meet statutory and agency Level II standards for employment background screening. The BSU conducts employment background screenings pursuant to Chapters 39, 435, 984 and 985, Florida Statutes, and the Department's background screening policy and procedure. Background screenings consist of a National and State criminal records check through NCIC and FCIC and is conducted on state and contracted provider directors, owners, employees, volunteers, mentors, and interns.

Background Screening Process

Employment background screenings must be conducted by the BSU before an applicant is hired or utilized by the Department or a Department contracted provider. Background screening consists of a fingerprint based criminal records check that is processed through the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigations (FBI) as well as a Florida Clerk of the Courts demographic search through the State's Judicial Inquiry System (JIS). As a criminal justice agency, the Department has access to juvenile, sealed, and expunged criminal history information.

Screening Types

Livescan is the initial screening required for potential employees and volunteers. Fingerprints are electronically transmitted to the FDLE and the FBI. Electronic submissions allow both agencies to quickly process the fingerprints and send the results to the BSU via electronic mail. This process also enables the FDLE to send an electronic notice to the BSU when a state or contracted provider employee or volunteer is arrested within the state of Florida, which enables the BSU to immediately inform the employer of the new arrest.

If a state or contracted provider employee is arrested, it is the employee's responsibility to immediately notify his/her immediate supervisor and to provide a copy of the arrest report to the supervisor or Human Resource (HR) coordinator. Supervisors/HR staffs are required to report employee arrests to the Department's Central Communications Center within two hours of being notified of the arrest. The supervisor and HR coordinator must track the employee's arrest and submit a copy of the final court documents to the BSU. If the employee pleads nolo contendere or is found guilty of a disqualifying offense, the employee is not eligible for continued employment.

The 5-Year Rescreen is a national criminal records check that is required of state and contracted provider employees and volunteers every five years of their employment or continued service. The five-year increments are calculated from the employee's or volunteer's original date of hire or initial service date.

The purpose of rescreening is to ensure that current employees and volunteers maintain level 2 screening standards throughout the term of their employment and or service.

Ratings Process

Background screenings are rated using one of three classifications. These classifications are based on the applicant's criminal history:

- Eligible (No disqualifying criminal convictions or no contest pleas.)
- Identified/Non-Care Taker Only (Disqualifying criminal convictions, but works in a position that does not require background screening.)
- Ineligible (Disqualifying criminal convictions or no contest pleas.)

Applicants who receive an eligible rating may be hired or utilized by the Department or a contracted provider, applicants who receive identified/non-caretaker only ratings cannot work in a facility or program and can only be hired in a position where they do not have contact/access to youth or confidential youth records, and applicants, who receive a rating of ineligible cannot be hired or utilized without first being granted an exemption.

To be ineligible, an applicant must have either been found guilty of, pled guilty to, had adjudication withheld on, or pled no contest to at least one of the charges listed in Chapter 435 Florida Statutes.

The following list is a sample of the 55 disqualifying criminal offenses as set forth in Section 435.04, Florida Statutes:

- Murder
- Vehicular homicide
- False imprisonment
- · Lewd and lascivious behavior
- Incest
- Child abuse
- Felony theft and robbery
- Domestic violence
- Felony drug charges
- Aiding in an escape
- Encouraging someone to join a gang
- Resisting arrest with violence
- Sexual misconduct in juvenile programs
- Kidnapping

Exemption from Employment Disqualification

The Department may not grant an exemption from disqualification to any person who is disqualified under Chapter 435, F.S., until it has been at least three (3) years since the applicant completed or was lawfully released from confinement, supervision, or sanction for a disqualifying felony offense. If the disqualifying offense is a misdemeanor, or was a felony when committed, but is now a misdemeanor, the applicant can apply for an exemption once he/she has completed all sanctions associated with that offense. The Secretary decides on behalf of the Department whether an exemption should be granted or denied. Exemptions denied by the Secretary can be reconsidered via a formal hearing with DOAH pursuant to Section 120.57, Florida Statutes.

Other BSU Functions

In addition to conducting employment background screenings, the 8 full-time and 1 part-time staff of the BSU also performs the following functions:

- Conduct criminal history checks to assist the Inspector Specialists in their investigations and inquiries.
- Coordinate the initial phases of the exemption process.
- Track personnel with histories of physical or sexual abuse, excessive force, and other incidents of misconduct and provide notification to the Department and contract providers to assist them in making informed hiring decisions.
- Process retention services through FDLE.
- Inform programs of employee arrests.
- Scan completed screening documents into an archival database for future reference and access.
- Respond to telephone and e-mail inquiries.

Accomplishments and Statistical Data for FY 2009-2010

- 12,213 employee background screenings were conducted.
- \$270,283.79 in fingerprint card processing fees was collected.
- 2,181 credit card transactions and 3,886 checks were processed.
- 481 applicants failed to submit additional information or were withdrawn by the requester and 327
 applicants were statutorily disqualified, resulting in a total of 808 applicants who did not clear the
 screening process.
- 72 applicants requested a desk review or an exemption hearing for a statutorily disqualified offense appearing on their record during the criminal background check.
- Approximately 2,073 arrest notifications.
- Approximately 61,065 pages of documents were scanned into the BSU archival database.
- Approximately **18,931** records were reviewed in the Inspector General Incident Tracking system.
- Approximately 8,000 customer calls and 1,500 e-mail inquiries were serviced.
- Approximately 18,000 retained fingerprints were deleted from the FDLE Retention database.

Staff Directory

Mary EubanksInspector GeneralWanda GloverAdministrative Assistant IIISonja RobinsonSenior Management Analyst I

Investigations

Howard GreenfieldChief of InvestigationsKristin AveryInspector SpecialistAndrew BlimesGovernment Analyst I

Richard Bodnar Senior Management Analyst II

Charles Brock Inspector Specialist **Thomas Dunne** Inspector Specialist Robert Goldapple Inspector Specialist Ruben Hernandez Inspector Specialist Lisa Herring Staff Assistant Katina Hinson Inspector Specialist Jeffrey McGuiness Inspector Specialist Inspector Specialist Teresa Michael Inspector Specialist Linda Offutt Regina Perry Secretary Specialist Robert Sheppard former Inspector Specialist Gerard Ward Inspector Specialist

Background Screening Unit

Myra Burks
Senior Management Analyst II, Supervisor
Lisa Alexander
Government Operations Consultant I

Johnalyn Bryant
OPS – Government Operations Consultant I

Ashley Collins

Stephanie Gaines-Sanders
Cassandra Neal

Christopher O'Neal

OPS – Data Entry Operator
OPS – Data Entry Operator
Senior Management Analyst I
OPS – Data Entry Operator

Erika Ross OPS – Government Operations Consultant I

Sharon Washington Operations Analyst II

Central Communications Center

Chantelle Dishman Operations Management Consultant II, Supervisor

William Alexander Operations Management Consultant I
Cheryl Beasley Operations Management Consultant II
Chad Bennett OPS – Government Operations Consultant I
Melaney Denson OPS – Government Operations Consultant I
David Gilmore Operations Management Consultant I

William Hardy former OPS – Government Operations Consultant I

Dierdre Harris Government Analyst I

Constance Knight OPS – Government Operations Consultant I OPS – Government Operations Consultant I

Tene' Miller former OPS – Government Operations Consultant I Leslie Patterson former OPS – Government Operations Consultant I

Internal Audit

Michael Yu Audit Director

Joan Hart Management Review Specialist Stephanie Land Management Review Specialist Roosevelt Brooks Operations Review Specialist



To contact the Office of the Inspector General:
State of Florida
Department of Juvenile Justice
2737 Centerview Drive
Tallahassee, Florida 32399-3100
www.djj.state.fl.us/DJJServices/inspectorgeneral or (850) 921-6344