State of Florida Department of Juvenile Justice

Wansley Walters, Secretary



Office of the Inspector General

FISCAL YEAR 2010-2011 ANNUAL REPORT

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Office of Inspector General

Department of Juvenile Justice Annual Report for Fiscal Year 2010 - 2011

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.

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.

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

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.

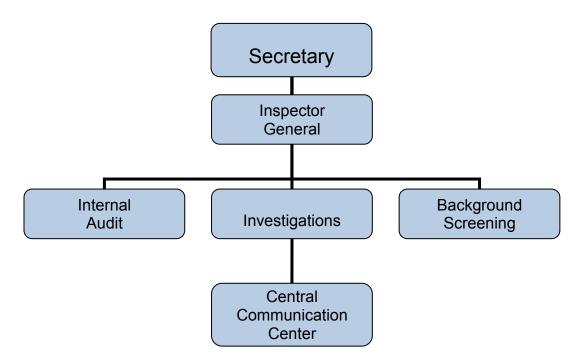
Historic Overview

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).

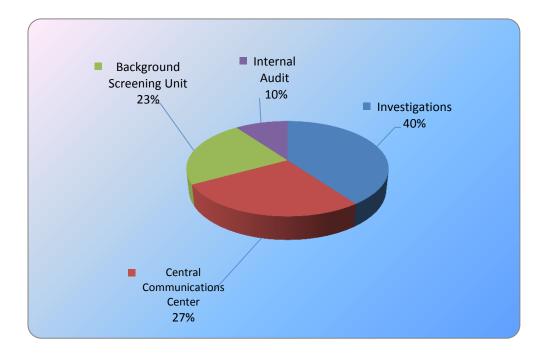
In order to maximize efficiency and accomplish its mission, the OIG has organized the office as shown in the chart below:

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 Government Audit Professional	1
Certified Public Accountants	2
Certified Inspector General	2
Certified Inspector General Investigator	13
Certified Public Manager	5
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 2010-2011, 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

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 2010-11

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

- Three performance audits;
- One compliance audit;
- One follow-up review to outside agency audit;
- One follow-up review to internal audit;
- Various management advisory projects and coordination with Auditor General and Federal audits.
- Various investigation assistances.

Performance Audits

Performance audits are examinations and evaluations of the Department's systems, programs, and processes from an efficiency and effectiveness perspective. Performance 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 three (3) performance audits reports.

Audit of Probation Case Management

The Juvenile Probation Program provides services and supervision to youth who have been mandated into probation supervision. Probation is a community-based option to detention for

youth who have committed a delinquent act. The Division of Probation and Community Intervention, within the Department, is responsible for the probation case management services. Florida Administrative Code (FAC) 63D-5, established standards and procedures for the provision of focused probation case management.

The audit objectives were to determine whether:

- supervision plans were properly developed;
- youth's criminogenic needs were properly addressed; and,
- controls were in place to ensure proper completion of the supervision plans.

This audit disclosed that, in general, policies and procedures were in place to ensure that program objectives were achieved; services were provided in accordance with applicable statutes, rules, and regulations. However, we noted areas for improvement pertaining to the following:

- Timely updating FAC to reflect changes pertaining to the development of Youth-Empowered Success Plan (YES Plan).
- Timely developing and properly implementing the YES Plan.

Audit of Maximum-Risk Residential Programs

Section 985, Florida Statutes, provides that maximum-risk residential programs are included in the definition of a juvenile correctional facility. The statue defines a juvenile correctional facility as "a physically secure residential commitment program with a designated length of stay from 18 months to 36 months, primarily serving youth 13 years of age to 19 years of age or until the jurisdiction of the court expires."

The Department of Juvenile Justice (DJJ) operated four maximum-risk residential programs. Two of the programs are state-operated: DeSoto Maximum-risk Females (DeSoto) and North Florida Youth Development Center (NFYDC) (aka Dozier). The other two are contractor-operated: Cypress Creek Juvenile Offender Correctional Center and Okeechobee Juvenile Offender Corrections Center.

The audit objectives were to determine whether maximum-risk residential commitment programs maintained physical security features as required by Florida Administrative Code 63E-7; accounted for youth while committed; ensured victim notification was provided prior to the youth's release as required by Chapter 960, Florida Statutes; and, ensured youth met the required minimum length of stay requirements.

As a result of interviewing personnel, reviewing documentation, and conducting facility walk-throughs we found:

- residential programs maintained physical security features as required by 63E-7.013; however, some security features need improvement;
- programs accounted for youth while committed; however, improvements are needed in documentation accuracy and completeness;
- process enhancements are needed to fully comply with victim notification requirements as outlined in Chapter 960, Florida Statutes and F.A.C. 63E-7; and,
- documentation supporting youth's release or length of stay was not consistently maintained.

Although all maximum-risk residential programs can benefit from enhancements to its business processes, we found several deficiencies at NFYDC that could compromise safety, security, and youth accountability. The program received an overall score of 68% during its October 2009 Quality Assurance review, as compared to scores of 77% and above for the other programs.

NFYDC was closed on June 30, 2011 in response to legislative budget reduction and DeSoto was closed on August 31, 2011.

Audit of Contract/Grant Payment Process

The Bureau of Finance & Accounting under the Office of Administrative Services is responsible for processing the Department's contract/grant payments.

The audit objectives were to determine whether disbursements of Department funds were: (1) for authorized purposes; (2) made in accordance with Florida Statutes, Florida Administrative Code and applicable Department policies and procedures; (3) supported by appropriate documentation; and, (4) properly recorded in the Department financial records.

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 disclosed that, in general, the Bureau has consistently complied with Section 215.422, Florida Statutes, pertaining to contract/grant payments to contract providers. However, we noted areas for improvements pertaining to the following:

- Medical reimbursements for youth were not properly recorded in the Department Financial Records for payments pertaining to contract number X1267, X1437 and X1567.
- The documentation and timely processing of invoices.

Compliance Audit

Compliance audit is a comprehensive review of the Department's adherence to state laws and regulatory guidelines. The Bureau issued one compliance audit report.

Audit of the Department Juvenile Justice Ethics

The Bureau conducted an ethics audit of the Department of Juvenile Justice (Department). The audit was conducted as a part of the Enterprise Ethics Audit initiated by the Executive Office of the Governor (EOG), Office of the Chief Inspector General.

The objectives of this audit were to evaluate:

- the Department's implementation of the EOG's Executive Order Number 11-03, Ethics and Open Government; and,
- the design and effectiveness of the Department's ethics related objectives, guidance, and activities.

The scope of the audit focused primarily on recent actions taken by the Department to design, communicate, monitor, promote, and enforce ethical standards and policies applicable to Department employees.

This audit revealed that the Department timely implemented the EOG's Executive Order Number 11-03, Ethics and Open Government (Executive Order); ethics policy and procedures established standards of ethical conduct for Department employees; and employees have a positive view toward the Department's ethics environment. However, the audit indicated that the Department

needs improvement in the areas of ethics training, ethics program monitoring, and ethics violation reporting and investigation procedures.

Internal and External Audit Follow-Up Activities

The bureau 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 APPAGA Review Report No. 10-55, Juvenile Justice Students Face Barriers to High School Graduation and Job Training.
- Follow-up on the Audit of Children & Families in Need of Services (CINS/FINS).

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 (OIG) 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 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 2010-2011

During FY 2010-2011, the Bureau of Investigations assigned 90 complaints for Investigation, Inquiry, Referral to Management or other appropriate attention.

The Bureau of Investigations closed 55 investigations in fiscal year 2010-2011. Some of these investigations had multiple allegations. The total allegations investigated during this period were 272. Of the allegations investigated 74 were substantiated, 88 were unsubstantiated, and 87 were found to be inconclusive. The remaining 23 were Administratively closed.

The Bureau of Investigations closed 13 inquiries in fiscal year 2010-2011. Some of these inquiries have multiple allegations that were investigated. The total allegations investigated through inquires was 29. Of these allegations, 15 were substantiated and 9 were unsubstantiated. The remaining 5 allegations were either referred, filed for informational purposes, or 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

2010-2011 Annual Report Summaries

IG 09-0109/Okaloosa Youth Academy

The investigation was predicated by a complaint from the Department of Children and Families (DCF), Child Protective Investigator's memorandum to the Office of Inspector General, alleging four complaints against Okaloosa Youth Academy including; staff delaying youths in calling the Abuse Registry; youths not calling the Abuse Registry for fear of retaliation; staff influenced youths from calling the Abuse Registry. The program is a DJJ contracted residential program, operated by the Gulf Coast Treatment Center. Based on interviews conducted and documents reviewed allegations against fifteen subject staff were inconclusive.

IG 10-0004/Office of Prevention and Victim Services

This investigation was predicated by an anonymous complaint that the Office of Prevention and Victim Services (Prevention) awarded grants not in compliance with policies or laws. Prevention is a state

operated office located at Headquarters, DJJ. A review of documentation, to include Prevention contracts associated correspondence, and interviews of contract providers and DJJ staff lead to an inconclusive finding that Prevention did not follow department policy and procedure in awarding contracts. A review of documents, to include State Advisory Group (SAG) meeting minutes, and interviews of staff and other persons substantiated an allegation that awarded contracts did not go through the review process of the SAG. It was substantiated that one employee violated policy/and rule and the employee resigned from DJJ during the course of the investigation. Corrective action for substantiated findings is pending.

IG 10-0006/CCC 2010-00421 Hastings Youth Academy

This investigation was predicated by an allegation that a staff attempted a Protective Action Response (PAR) technique to restrain a youth and the staff fell and landed on the youth's arm fracturing it. Hastings Youth Academy is a contracted residential program. Based on interviews and documents reviewed, the classification of Violation of Policy/Rule (Improper PAR) was substantiated and an allegation discovered during the course of investigation for Falsification was unsubstantiated. The provider disagreed with the substantiated finding and took no action.

IG 10-0027/Hillsborough Regional Juvenile Detention Center

This investigation was predicated by notification from the Department Equal Opportunity Office (EEO) that a female Juvenile Justice Detention Officer (JJDO) alleged a male JJDO supervisor made two inappropriate sexual comments to her. Hillsborough Regional Juvenile Detention Center is a state operated detention facility. The EEO Panel found No Cause for sexual harassment but substantiated Improper Conduct. The subject received a written reprimand.

IG 10-0035/CCC 2010-01432 Osceola Juvenile Detention Center

This investigation was predicated by an Equal Employment Opportunity (EEO) complaint, which alleged that a male staff at the Osceola Regional Juvenile Detention Center (RJDC) sexually harassed a female nurse to the point that it created an intimidating and hostile work environment. During the course of the investigation it was also alleged that a Detention Superintendent and Detention Supervisor knew about the allegations but failed to report the allegations to the EEO Office. Osceola RJDC is a state operated detention center. Based on investigative findings the EEO Resolution Panel found No Cause regarding the allegation of sexual harassment. Based on interviews conducted and documents reviewed the classification of Violation of Policy/Rule was substantiated. As a result the Detention Superintendent was terminated and the Detention Supervisor was counseled.

IG 10-0056/CCC 2010-02464 Pinellas Regional Juvenile Detention Center

This investigation was predicated by an allegation that while breaking up a fight between two youths, a staff at Pinellas Regional Juvenile Detention Center (RJDC) executed a PAR technique which resulted in one youth sustaining an injury to his leg which required outside medical attention. The youth was transported to the hospital where he underwent emergency surgery to repair a fractured right femur bone. Pinellas RJDC is a state operated detention center. Based on interviews conducted and records reviewed the classifications of Excessive Force and Violation of Policy/Rule were inconclusive.

10-0057/CCC 2010-02476 Okaloosa Youth Development Center

This investigation was predicated by a report that during a Quality Assurance Review of records at Okaloosa Youth Development Center (YDC), it was discovered that psychotropic progress notes for several youth were endorsed with the photocopied signature of a clinical psychiatrist. Okaloosa YDC is a DJJ contracted residential program. OIG staff conferred with the DJJ Medical Director and the Office of the General Counsel. It was determined that if the psychiatrist did not give permission for the use of her photocopied signatures, the practice would amount to falsification of records. OIG staff made several attempts to contact the clinical psychiatrist, but she refused to cooperate with the investigation. The investigation was closed with inconclusive findings.

IG-10-0058/CCC 2010-02504 Twin Oaks Vocational Academy

This investigation was predicated by a complaint from a youth that he was unnecessarily and physically mishandled by a staff inside the facility's medical building, causing him to sustain a fractured shoulder. Twin Oaks Vocational Academy is a contracted residential program. Based on the staff's denial of excessive force but admission to engaging in "horse-playing," and review of other documentation, and since it could not be determined whether the injury was from a previous sporting incident, the classification of Unnecessary Force was substantiated against the staff. The classification of Violation of Policy/Rule was also closed as substantiated against the staff after he was found to have engaged in inappropriate name-calling during the incident. The subject staff received a written reprimand and was required to complete training.

IG 10-0059/CCC 2009-02508 Riverside Academy

This investigation was predicated by an anonymous complaint that three youths at the Riverside Academy were physically abused by program staff during PAR incidents and a fourth youth, who objected to the alleged abuse, had his arm pulled up behind his back. The complainant alleged two of four youths were lifted into the air by staff and were thrown to the ground on their heads and were left lying on the floor without receiving medical attention. The Riverside Academy is a DJJ contracted residential program. Interviews conducted and reviews of documents and facility video recordings by OIG staff, Child Protective Investigators and local law enforcement officers was inconclusive in determining whether program staff used excessive force. Three of the youths, who were involved in separate PAR restraint incidents, acknowledged their failure to comply with staff's re-directives to remain calm and orderly. All three youths confirmed receiving post-PAR medical reviews and minor first aid treatment.

IG 10-0061/CCC 2010-02619 Jo Ann Bridges Academy

This investigation was predicated by a complaint by a youth of an injury to the youth's arm which allegedly occurred during a PAR restraint. Jo Ann Bridges Academy is a contracted residential program. Based on interviews with the youth victim and involved staff, a review of documentation, and consultation with the DJJ Director of Staff Development and Training and the DJJ Chief Medical Director, the allegation of Excessive Force was unsubstantiated for three employees, however, an allegation of Unnecessary Force was inconclusive for one employee and an allegation of Violation of Policy/Rule was substantiated for that employee who resigned.

IG 10-0070/Circuit 17-Probation

This investigation was predicated by the notification from the Department Equal Opportunity Office (EEO) that a male co-worker sexually harassed a female. Circuit 17-Probation is state operated probation program area. The investigation showed no employee other than the victim witnessed or had knowledge of any improper conduct on part of the subject. 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 there was sexual harassment.

IG 10-0071/CCC 2010-02991 Thompson Academy

This investigation was predicated by a complaint made during a lawsuit filed by the Southern Poverty Law Center alleging that a staff at Thompson Academy engaged in sexual contact with a youth in the program. Thompson Academy is a contracted residential program. Based on the review of surveillance video, documentation, and interviews the classification of Improper Conduct-Sexual Misconduct was unsubstantiated and an additional allegation of Improper Supervision was substantiated. Corrective action for substantiated findings is pending.

IG 10-0072/CCC 2010-02518 Walton Youth Development Center

The investigation was predicated by an allegation that a staff took a picture of a youth as the youth placed his head in a toilet; and then showed the photograph to other youths in the facility. The program is a DJJ contracted residential program, operated by the Gulf Coast Treatment Center. Based on the investigation an allegation of improper conducted was substantiated against staff. The staff received a formal reprimand for taking an unauthorized video of youth that could be viewed as depicting the youth in a negative manner.

IG 10-0073/CCC 2010-02991 Thompson Academy

This investigation was predicated by a complaint made during a lawsuit filed by the Southern Poverty Law Center alleging a staff at Thompson Academy engaged in sexual contact with a youth at the program and that several facility administrators and supervisors knew of the allegation and failed to report it as required. Based on the review of documentation and interviews the classification of Improper Conduct-Sexual Nature was unsubstantiated and the allegation of Failure to Report was substantiated. Prior to initiating the investigation, one of the subjects for the Failure to Report allegation was terminated for reasons unrelated to this investigation. Corrective action is pending for several of the supervisors/administrators for Failure to Report.

IG 10-0075/Circuit 17-Probation

This investigation was predicated by a complaint that staff inappropriately used their department computer and cellular telephone to threaten and harass a civilian. Circuit 17-Probation is state operated probation program. A forensic examination of the subject's computer along with analysis of the subject's cellular telephone records, timesheets, and interviews showed that the subject did not use her state issued equipment to threaten or harass the civilian nor were any of the suspected messages sent while the subject was on state time. The classification of Improper Conduct-Conduct Unbecoming a State Employee and Violation of Policy/Rule was unsubstantiated.

IG 10-0076/CCC 2010-03148 Okaloosa Youth Academy

The investigation was predicated by an allegation that during the use of a PAR technique to restrain the youth, the youth received a fractured femur. Based on interviews conducted and documents reviewed allegations of excessive force and violation of policy/rule against the staff were inconclusive.

IG 10-0077/CCC 2010-03172 Gulf Coast Youth Academy

The investigation was predicated by an allegation that staff used a PAR technique on a youth to restrain the youth and as a result the youth received a fractured ankle. The program is a DJJ contracted residential and out-patient treatment program, operated by the Gulf Coast Treatment Center. Based on interviews conducted and documents reviewed allegations of excessive force against the staff were unsubstantiated.

IG 10-0079/CCC 2010-03833 Desoto Dual Diagnosed Correctional Facility

This investigation was predicated by a male youth reporting that while being transported to court in a department van a female youth told him she had sexual contact with a female residential officer assigned to the Desoto Dual Diagnosed Correctional Facility on the prior evening and on several other occasions. The male youth provided a tentative identification of the officer to whom he believed the female youth was referring. The Desoto Dual Diagnosed Correctional Facility is a state operated residential program. Interviews conducted and documentation reviewed by OIG staff showed that for the twenty four hour period prior to the court transport the female youth was under constant staff supervision and was documented alone and secure in her room on the evening prior to the transport. The female youth was interviewed and denied having made such an admission or having any contact with the subject officer. The officer was interviewed and denied making any contact with the youth noting she worked in a different unit of the facility. The allegation was closed with a disposition of unsubstantiated.

IG 10-0086/CCC 2010-03767 Martin Girls Academy

This investigation was predicated by a complaint from a female employee that a female youth alleged she engaged in consensual sexual activity with a male employee resulting in her giving birth to a child. Martin Girls Academy is a contracted residential program. Based on interviews conducted and documents reviewed the classifications of Improper Conduct/Staff-Youth Relationship was unsubstantiated. The classification of Violation of Policy/Rule was substantiated against the female employee based on the evidence the youth called the female employee on her personal cell phone and the employee failed to notify management in a timely manner. The employee was counseled.

IG 10-0087/CCC 2010-03775 Martin Girls Academy

This investigation was predicated by a complaint that a male staff member was having sex with female youths at Martin Girls Academy. During the course of a criminal investigation, pertaining to another youth

at the facility, a female youth disclosed to law enforcement officials that the male employee made inappropriate comments, fondled her breasts, and three weeks later had sexual intercourse with her. The male staff was arrested and incarcerated; the OIG deferred the findings for the Criminal Statute Violation to the State Attorney's Office (SAO). The classification of Improper Conduct/Sexual Nature was Inconclusive due to OIG staff's inability to interview the subject and victim at the SAO request. The criminal case against the staff is pending.

IG 10-0088/CCC 2009-03833 Desoto Dual Diagnosed Correctional Facility

This investigation was predicated on a notification to the CCC from the program's Assistant Superintendent that a youth sustained a fractured humerus bone during a PAR restraint incident with a staff. A review of the facility video showed the officer involved in the PAR restraint used an improper application of PAR technique. The officer and youth subsequently went down to the ground and the youth sustained a serious injury. Further review of the video showed prior to this PAR incident the officer had initiated a take-down of another youth using an unauthorized non-PAR restraint. The investigation was closed with substantiated dispositions of excessive force and violations of policy/rule against one officer. This officer received a reprimand and training.

IG 10-0090/Circuit 7, Probation Unit

This investigation was predicated by a complaint filed by a Juvenile Probation Officer (JPO) that his supervisor used her position to her son's advantage, while the youth was under DJJ supervision. The probation unit is a state operated probation program. Based on interviews conducted and documents reviewed, one allegation of Violation of Policy/Rule was substantiated while another allegation of Violation of Policy/Rule was no evidence to show the subject influenced her son's assigned JPO to drop his case but evidence showed the subject changed her son's Juvenile Justice Information System (JJIS) file entry without authorization. The subject was terminated.

IG 11-0001/CCC 2011-00055 St Johns Youth Academy

This investigation was predicated by a complaint from a youth that a female staff at St Johns Youth Academy performed oral sex on him. The youth also alleged he and the female staff engaged in sexual intercourse. St. Johns Youth Academy is a contracted residential program. Based on interviews conducted and documents reviewed, the classifications of Sexual Misconduct (PREA) and Violation of Policy/Rule were inconclusive.

IG 11-0002 DJJ Chief of Staff

This investigation was predicated by a complaint to the Governor's Office that a DJJ Management Analyst and a DJJ Senior Attorney committed perjury by submitting documents stating that DJJ did not have a grievance relating to the termination of a former employee. Based on interviews conducted by OIG staff and the review of legal records, it was determined that the complainant filed grievance paperwork with the wrong state agency and the allegations were unsubstantiated.

IG 11-0005/CCC 2011-00248 Alachua Regional Juvenile Detention Center

This investigation was predicated by a complaint that an unauthorized and unknown subject made several transactions on a DJJ fuel card. The Alachua Regional Juvenile Detention Center RJDC is a state operated detention program. Based on a review of the transaction records and interviews conducted by OIG staff it was determined that the fuel card used by the Alachua RJDC was the victim of "skimming". OIG staff notified the Orange Country Sherriff's Office of the findings.

IG 11-0012/CCC 2011-00572 Orange Youth Academy

This investigation was predicated by a complaint that a female employee was having a sexual relationship with a male youth at Orange Youth Academy. Orange Youth Academy is DJJ contracted residential program. The complainant alleged that a male youth disclosed to her that a female employee performed oral sex on him when he was on kitchen detail. Based on interviews conducted and documents reviewed the classification of Improper Conduct/Sexual Nature was inconclusive since the subject denied the allegations, the victim youth refused to provide a sworn statement, and there were no other witnesses.

IG 11-0016/CCC 2011-00875 Dove Intensive Mental Health

This investigation was predicated on a complaint that during a PAR, a female staff inappropriately touched the breast of a female youth. Dove Intensive Mental Health is a DJJ contracted residential program. During an interview by OIG staff the youth stated that she was never inappropriately touched by program staff, and the allegations were determined to be unsubstantiated.

IG 11-0017/Brevard Regional Juvenile Detention Center

This investigation was predicated by notification from the Department Equal Opportunity Office (EEO) that a female Juvenile Justice Detention Officer (JJDO) alleging she was sexually harassed by her male JJDO supervisor after he exposed himself to her in the supervisor's office. Brevard Regional Juvenile Detention Center is a state operated detention facility. The EEO Panel found No Cause for sexual harassment but substantiated Improper Conduct and Conduct Unbecoming a Public Employee. The subject was terminated.

IG 11-0023/CCC 2011-01245 Headquarters DJJ, Management Information Systems

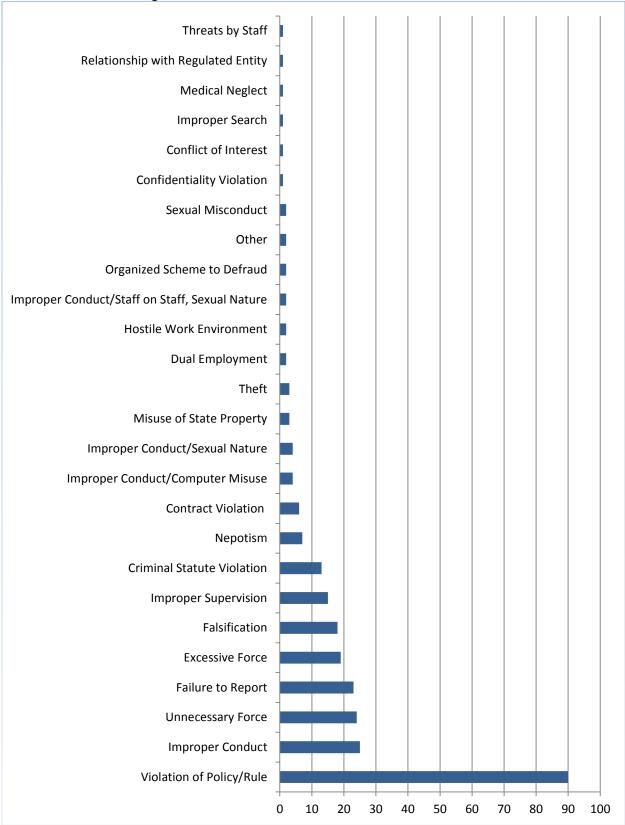
This inquiry was predicated by DJJ learning of the arrest of an employee for burglary and stalking (to include cyber-stalking). Based on a review of documentation and interviews the case was administratively closed as the employee was terminated before the completion of the investigation. OIG staff determined there was no evidence to indicate that the employee used any DJJ or State resources relative to the charges.

Computer Forensic Technical Assistance

During the reporting period the OIG provided technical assistance in the form of computer forensic examinations for four investigations conducted by the OIG or other government agencies. Computer hard drives and other memory storage devices containing over 400 gigabytes 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.

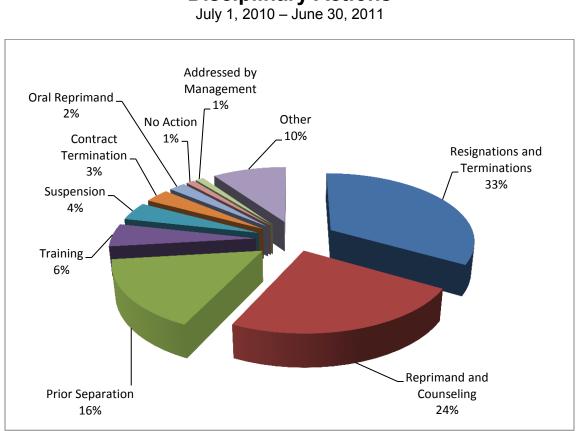
OFFICE OF THE INSPECTOR GENERAL ANNUAL REPORT FOR FISCAL YEAR 2010-2011

Classification of Investigations



Categorization of Investigations/Inquiries	
Closed During Fiscal Year 2010-2011	

			<u>u</u>	20				
	Total	Substantiated	Unsubstantiated	Inconclusive	Referred	Administratively Closed	Informational Purposes	Substantiated Allegations as a Percentage of the Total
Arrest of Staff	2	1					1	50%
Confidentiality Violation	1		1					0%
Conflict of Interest	1	1						100%
Contract Violation	6	4			2			67%
Criminal Statute Violation	14	2			12			14%
Dual Employment	2	2						100%
Excessive Force	19	3	9	7				16%
Failure to Report	23	11	7	5				48%
Falsification	18	2	8	8				11%
Hostile Work Environment	2		2					0%
Improper Conduct	26	3	14	9				12%
Improper Conduct/Computer Misuse	10	9		1				90%
Improper Conduct/Conduct Unbecoming a Public Employee	2		2					0%
Improper Conduct/Sexual Nature	4	1	2		1			25%
Improper Conduct/Staff on Staff, Sexual Nature	2		1		1			0%
Improper Conduct/Staff-Youth Relationship	1	1						100%
Improper Search	1			1				0%
Improper Supervision	15	6	2	7				40%
Medical Neglect	1			1				0%
Misuse of State Property	3	1	1	1				33%
Nepotism	7		7					0%
No Classification	1					1		0%
Organized Scheme to Defraud	2				2			0%
Other	3		2			1		0%
Relationship with Regulated Entity	1	1						100%
Sexual Misconduct	3		2	1				0%
Theft	3		1		2			0%
Threats by Staff	1			1				0%
Unnecessary Force	24	6	4	14				25%
Violation of Policy/Rule	102	35	31	31	4	1		34%
Violation of Statute/Law	1		1					0%
TOTAL	301	89	97	87	24	3	1	30%
Source: OIG Database								



Disciplinary Actions

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 OIG pursuant to Chapters 9 and 5, Florida Statutes. The 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

In October 2010 the CCC adopted into law Florida Administrative Code 63F-11, which 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 who receive and process calls:

- 1 Operations and Management Consultant II Coordinator
- 4 FTE Operations and Management Consultant II
- 3 OPS Government Operations Consultant I
- 1 part-time OPS Operations and Management Consultant I

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 e-mailed each administrative workday to the OIG, Secretary, and various department 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 CCC Functions

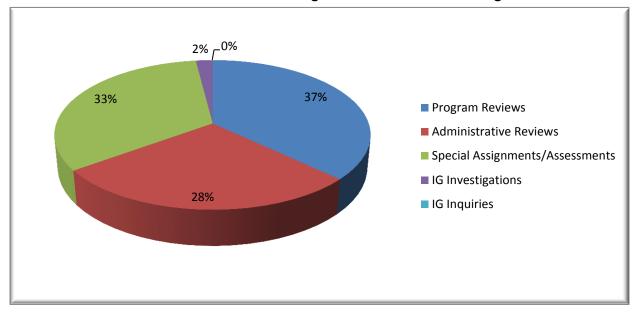
In addition to answering telephone calls and entering incidents into the CCC system, the CCC employees also perform the following functions:

- Provide assistance for all public records requests.
- 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.
- 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.

CCC Accomplishments and Statistical Data during FY 2010-2011

- Automated the CCC Incident/Complaint blank report form for usage on-line.
- The CCC Policy (FDJJ 8000) was changed to a Rule in October 2010 (63F-11 F.A.C.).
- Approximately **12,019** calls were received by duty officers.
- The duty officers entered a total of **3953** incidents into the CCC tracking system. The majority of these incidents dealt with medical issues (**2475**), complaints against staff (**1332**), and youth crimes while under supervision (**527**).
- Approximately **8957** 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 1703 incidents were assigned for either a review or investigation. This number comprises 722 Program Reviews, 563 Administrative Reviews, 348 Special Assignments/Assessments, 45 IG Investigations, and 6 IG Inquiries.



Total Number of Incidents Assigned for Review or Investigation

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 standards for employment background screening. The BSU conducts Level II 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 all state and contract 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 contract 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 all 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 contract provider employee or volunteer is arrested within the state of Florida. The BSU is then able to immediately inform the employer of the new arrest.

If a state or contract provider employee is arrested, it is the employee's responsibility to notify his/her immediate supervisor within 24 hours 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. 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 all state and contract 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 II 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 position and 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 have access or come into contact with youth or confidential youth records.)
- Ineligible (Disqualifying criminal convictions or no contest pleas.)

Applicants who receive an eligible rating may be hired or utilized by the Department or a contract provider, applicants who receive identified/non-caretaker only ratings cannot work in a facility or program and can only be hired or utilized 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, 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 54 disqualifying criminal offenses as set forth in Section 435.04 and 985.644, 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 the disqualifying 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 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.
- Inform programs of employee arrests.
- Scan completed screening documents into an archival database for future reference and access.
- Respond to telephone, fax and e-mail inquiries.

Accomplishments and Statistical Data 2010-2011

- **11,124** employee background screenings were conducted.
- \$282,431.40 in fingerprint card processing fees was collected.
- 2,598 credit card transactions and 4,452 checks were processed.
- **393** applicants failed to submit additional information or were withdrawn by the requester and **258** applicants were statutorily disqualified, resulting in a total of **651** applicants who did not clear the screening process.
- **59** 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 **48,065** pages of documents were scanned into the BSU archival database.
- Approximately **15,931** records were reviewed in the Inspector General Incident Tracking system.
- Approximately 6,000 customer calls/faxes and 1,500 e-mail inquiries were serviced.

Staff Directory

Mary Roe Eubanks

Wanda Glover Sonja Robinson

Investigations

Howard Greenfield Kristin Avery Andrew Blimes **Richard Bodnar** Charles Brock **Thomas Dunne** Robert Goldapple Ruben Hernandez Lisa Herring Katina Hinson **Jeffrey McGuiness** Teresa Michael Linda Offutt Regina Perry Keith Morris Chad Scheelev Gerard Ward

Background Screening Unit

Myra Burks Lisa Alexander Johnalyn Bryant Ashley Collins Chad Dodson Stephanie Gaines-Sanders Cassandra Neal Christopher O'Neal Erika Ross Sharon Washington

Central Communications Center

Chantelle Dishman William Alexander Cheryl Beasley Chad Bennett Melaney Denson Stephanie Gaines-Sanders David Gilmore Dierdre Harris Constance Knight Cabriel McCloud Adrian Nealy

Internal Audit

Michael Yu Roosevelt Brooks Joan Hart Stephanie Land Monica Taina

Inspector General

Administrative Assistant III Senior Management Analyst I

Chief of Investigations Inspector Specialist Government Analyst I Senior Management Analyst II Inspector Specialist former Inspector Specialist Inspector Specialist Inspector Specialist Staff Assistant Inspector Specialist Inspector Specialist Senior Management Analyst II Inspector Specialist Secretary Specialist Inspector Specialist Inspector Specialist Inspector Specialist

Senior Management Analyst II, Supervisor Government Operations Consultant I OPS – Government Operations Consultant I OPS – Data Entry Operator OPS – Data Entry Operator former OPS – Data Entry Operator Senior Management Analyst I former OPS – Data Entry Operator OPS – Government Operations Consultant I Operations Analyst II

Operations Management Consultant II, Supervisor former Operations Management Consultant I Operations Management Consultant II OPS – Operations Management Consultant I OPS – Government Operations Consultant I former OPS – Government Operations Consultant I Operations Management Consultant I Government Operations Consultant I OPS – Government Analyst OPS – Government Operations Consultant I OPS – Government Operations Consultant I

Audit Director

Operations Review Specialist former Management Review Specialist former Management Review Specialist Management 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