

**Findings and  
Recommendations:**

**KEY FINDINGS**

## KEY FINDINGS

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Jerry M., a youth incarcerated in one of the District's juvenile detention facilities in 1985, became the representative of a class of detained and committed youths who were confined at juvenile facilities under the authority of the District of Columbia (the District). In 1985, in an effort to improve conditions for confined youths, attorneys from the Public Defender Service and the American Civil Liberties Union's National Prison Project filed a class-action lawsuit against the District.<sup>7</sup>

In 1986, the parties settled the lawsuit by reaching an agreement to resolve the issues in litigation, and the court approved what became known as the "Jerry M. Consent Decree" (Decree). The Decree provided for minimum compliance standards for the District's incarcerated youth population and facilities, to include staff discipline and training, institutional programs, youth discipline, restraints, environmental health, medical services, visitation policies, attorney access, home visits, rights of residents, and youth sanctions.

The Decree also required that a monitor be assigned to observe, collect information, report findings, and make recommendations concerning steps to be taken by the District to achieve compliance with the Decree. The monitor is required to submit quarterly reports to counsel for the respective parties, and provide semi-annual reports to the Superior Court of the District of Columbia (Court). These reports detail whether the District is in compliance with each provision of the Decree. The agreement stipulates that failure by YSA to comply with provisions of the Decree could result in legal and financial sanctions against the District.

In January 2004, a consultant hired by the attorneys for the Jerry M. plaintiffs accused YSA and the District of failing to implement the changes necessary to comply with the Decree and subsequent orders of the Court. The consultant recommended that the Court appoint a temporary receiver for YSA, and a hearing on the matter was scheduled for February 23, 2004.

**1. Long-standing deficiencies in the management of OHYC and in attempts to comply with the Jerry M. Consent Decree continue to plague YSA, despite millions of dollars spent on consultants.**

Despite YSA's use of a series of paid consultants, long-standing problems have persisted in YSA's management and administrative operations, its compliance with the Decree, and in the operations of OHYC. Numerous deficiencies and recommendations documented in consultant reports have not been addressed. For example, in a March 2001 report entitled "Renovation Plan for Oak Hill Youth Center," a consultant detailed problems with insufficient perimeter lighting at Unit 6, which houses female detainees. Almost 3 years later, in January 2004, our inspection team also noted this same deficiency in a Management Alert Report (MAR 003-I-009). In another example, consultants noted significant deficiencies in inventory accounting and control at the YSA warehouse in a June 2001 report, and made very detailed recommendations on how to improve operations. However, many of the same deficiencies remain uncorrected as of this writing.

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<sup>7</sup> *Jerry M., et al. v. District of Columbia, et al.*, Superior Court of the District of Columbia Civil Division, C.A. No. 1519-85 (IFP).

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The inspection team found that many of the same types of problems that resulted in the 1986 lawsuit against the District and the subsequent Decree regarding juvenile justice matters still exist 17 years later. The Court has noted issues of non-compliance with almost every substantive provision of the Decree by issuing more than 65 remedial orders and holding the District in contempt on several occasions.<sup>8</sup> Documents obtained from YSA show that as of October 2003, YSA still was not in full compliance with approximately one-third of the 185 provisions of the Decree.

***The inspection team believes that many of the continuing problems at OHYC cited in this report stem from: (a) the lack of stable leadership at senior levels of YSA, and (b) insufficient oversight by senior management at DHS who may be too far removed from YSA's day-to-day operations and the youths being served.***

YSA has extreme difficulty retaining its top managers; for example, there have been four different Administrators (YSA's top position) during the 9 months of this inspection. In addition, other senior positions either have been vacant or filled for long periods by employees in "acting" or "interim" status (see table next page). Based on its interaction with YSA employees, the team believes this leadership void has a very negative impact on discipline, dedication, morale, and loyalty. Too many employees are not performing their day-to-day tasks satisfactorily, which, in turn, results in operational breakdowns across the board in security, oversight, monitoring of youths, administrative operations, facility maintenance, resource tracking, computer systems, and other areas.

The continuous state of dysfunction in YSA strongly indicates that the management and leadership of senior DHS and YSA officials have been weak and ineffective. In both its operational areas and personnel practices, YSA lacks sufficient internal policies and procedures, internal controls, and a system to ensure management and staff accountability.

These deficiencies are serious and have minimized the effectiveness and efficiency of YSA operations. Consequently, the inspection team rates YSA a poorly performing component of the District's juvenile justice system, based on District government and nationally accepted standards of quality. In particular, the team found:

- poor communication between major departments at YSA;
- employee roles and responsibilities not clearly defined;
- few or no standard policies and procedures for OHYC operations;
- inadequate fiscal oversight in all areas;
- a lack of quality assurance and performance standards;
- unimplemented recommendations for improvements made by various experts;
- a lack of effective monitoring of programs provided to youths; and
- little assertiveness in actions and attitudes directed toward compliance with the Jerry M. Decree.

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<sup>8</sup> *Jerry M., et al. v. District of Columbia, et al.*, Order VI, June 19, 2003.

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**Department of Human Services  
Youth Services Administration  
Key Employee Vacancies<sup>9</sup> as of November 7, 2003**

<b>Office of the Administrator</b>	<b>Status</b>
Administrator	Acting Administrator <sup>10</sup>
Incident Management Investigator	Vacant
Attorney Advisor	Vacant
<b>Bureau of Administrative Services</b>	
Chief Administrative Officer	Vacant
Deputy Administrative Officer	Vacant
Deputy Administrative Officer for Human Resources and Training	Vacant
Training Manager	Vacant
<b>Operations Division</b>	
Chief Operating Officer	Vacant
Preventive Maintenance Forman	Vacant
<b>Bureau of Residential/Secure Program Services (Oak Hill Youth Center)</b>	
Deputy Administrator	Vacant
Superintendent, Oak Hill	Vacant
Supervisor of Absconder Services	Vacant
Assistant Superintendent for Treatment	Vacant
<b>Program Development Services</b>	
Social Services Officer	Vacant
Program Manager Officer	Vacant
<b>Bureau of Court and Community Services</b>	
Assistant Deputy for Intake and Detention	Vacant
Assistant Deputy for Diagnostic and Committed Services	Vacant

<sup>9</sup> Department of Human Services, Youth Services Administration, Organizational Chart for FY 2003.

<sup>10</sup> There were four Administrators or Acting Administrators between May 2003 and February 2004.

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The team believes that, given a reasonable period of time, a highly experienced manager with a background in juvenile justice who is accountable directly to the Executive Office of the Mayor, can bring stability and focus to YSA operations, and put the agency on the path to meeting all requirements of the Jerry M. Decree.

### **Recommendations:**

- a. That the Mayor give immediate consideration to removing YSA from DHS and forming a separate, cabinet-level agency whose Director reports to and is directly and sufficiently overseen by the Deputy Mayor for Children, Youth, Families, and Elders (DMCYFE).

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*DHS does not agree with OIG's factual findings. The current leadership at DHS is capable of providing the management oversight necessary for YSA. This leadership has over 30 years of management experience in child welfare and youth services. Coupling this experience with the Interim Management staff of YSA and direction from the City Administrator will indeed yield the positive results that are needed for YSA.*

*DHS disagrees with the generalized statement in this section "that many of the continuing problems at OHYC cited in this report stem from: (a) the lack of stable leadership at senior levels of YSA, and (b) insufficient oversight by senior management at DHS who may be too far removed from YSA's day-to-day operations and the youths being served." DHS further disagrees with the inspection team's statements that "YSA has extreme difficulty retaining its top managers; for example, there have been four different Administrators (YSA's top position) during the 9 months of this inspection" and that "[t]he continuous state of dysfunction in YSA strongly indicates that the management and leadership of senior DHS officials have been weak and ineffective."*

*These three subjective, qualitative assessments of DHS and YSA leadership and management are misleading without context. First, this OIG inspection of DHS/YSA began in April 2003, prior to the arrival of the current agency leadership: the incumbent DHS Director has only been in place since June 16, 2003, and the Interim A/YSA was appointed on December 3, 2003.*

*Second, prior to the recent series of acting administrators that commenced with the resignation of the previous A/YSA effective August 31, 2003, YSA enjoyed five years of continuous leadership.*

*Third, the chart included in this section entitled, "Key Employee Vacancies as of November 7, 2003," identifies 17 "key" vacancies. This chart is misleading because of its failure to recognize the valuable input of the highly qualified employees who have served in acting or interim capacities performing the duties of these positions. As of this writing, 385 of*

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*YSA's 480 authorized FTEs are filled. Of these remaining positions, 60 are in recruit status and 35 are vacant. The DHS Director and current Interim A/YSA moved to fill a number of other "key" vacancies by hiring 17 employees in December 2003, including the Assistant Superintendents for Treatment for both the OHYC and the new Youth Services Center (YSC), which is set for beneficial occupancy in August 2004. YSA has requested funding and an additional 71 FTEs in FY 2005 to staff the YSC and to implement Jerry M. compliance and organizational improvements. Understandably, the ongoing nationwide recruitment effort by the D.C. Office of Personnel (DCOP) for a permanent A/YSA is made especially difficult while plaintiffs' motion for appointment of a transitional receiver is pending before the Superior Court in the Jerry M. litigation.*

*YSA efforts to fill its vacancies is exacerbated by the fact that the YSA organization chart signed on March 22, 2003, by the former DHS Director has never been fully implemented. As part of her management reform initiative, the Interim A/YSA proposes to reorganize YSA to include four Deputy Administrators to lead the agency as follows: (1) Deputy Administrator for Secure Programs; (2) Deputy Administrator for Court and Community Programs; (3) Deputy Administrator for Support Services (functionally, Chief Administrative Officer); and (4) Deputy Administrator for Performance Management. These four deputies are being recruited and the incumbents will be involved in hiring direct report managers within their respective operational responsibilities. The former Bureau of Residential/Secure Program Services will become the Division of Secure Programs to oversee both OHYC and YSC operations. The former Bureau of Court and Community Services will become the Division of Court and Community Programs. The former Bureau of Administrative Services and Operations Division will be combined to form the Division of Support Services. A Division of Performance Management will be created, which will include the functions performed by Program Development Services.*

*With reference to the deficiencies itemized in this section, YSA anticipates that:*

- the four Deputy Administrators will facilitate better communications between these major YSA divisions;*
- the Deputy Administrator for Support Services will oversee a YSA-wide overhaul of human resource management in conjunction with the Office of Labor Relations and Collective Bargaining (OLRCB) and DCOP;*
- the Deputy Administrator for Performance Management will work with the Deputy Administrator for Secure Programs, the Superintendent for both OHYC and YSC, and the Assistant Superintendents for Treatment for both facilities to establish and implement standard policies and procedures for OHYC and YSC operations;*
- the Deputy Administrator for Support Services will institute fiscal control in all areas;*
- the Deputy Administrator for Performance Management will continue YSA's participation in the Performance-based Standards program and will implement other quality assurance and performance standards for the agency;*

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- *these infrastructure improvements will enable the agency to successfully implement the specific management recommendations made by the various experts and the OIG;*
- *current licensing and monitoring initiatives for group and shelter homes, in concert with a fully implemented Division of Performance Management, will facilitate effective monitoring of programming for youth; and*
- *this management team will facilitate implementation of results-focused, purpose-driven, massive action plans to achieve compliance with the Jerry M. Consent Decree.*

OIG Response: **OIG stands by recommendation as stated.**

- b. That the DMCYFE and Administrator of YSA take immediate action to address the most urgent problems cited in the Key Findings section of this report and in reports by paid consultants, particularly issues of security, safety, health, and illegal substances.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*DHS and/or YSA responded to each of the MARs issued during the course of the OIG's investigation in Part One of this ROI, and continue to take action to address the issues of, among others, security, safety, health, and illegal substances. By agreeing with this recommendation, however, DHS does not necessarily agree with each of OIG's 45 factual findings or 96 recommendations.*

- c. That the DMCYFE and Administrator of YSA fully participate in the Performance-based Standards (PbS) system<sup>11</sup> for juvenile facilities that has been developed by the Council of Juvenile Correctional Administrators under the sponsorship of the U.S. Justice Department.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*YSA already participates in the PbS system for juvenile facilities developed by the Council of Juvenile Correctional Administrators (CJCA). YSA first began contributing data to the PbS data portal during the first reporting period in 2001, will continue to participate in the PbS system, and is working to better utilize this important tool.*

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<sup>11</sup> The Performance-based Standards (PbS) system was developed by the Council of Juvenile Correctional Administrators at the request of the Department of Justice to assist youth correction and detention facilities in continuously improving the conditions of confinement and the services provided. PbS is described as a tool that agencies can integrate into existing operations to develop, monitor, and sustain improvement. Details can be found at <http://www.performancebasedstandards.org>.

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**2. YSA's use of consultants has been largely ineffective and characterized by unauthorized overspending, incomplete deliverables, unfulfilled objectives, and poor agency oversight.**

YSA has expended considerable human and financial resources in an ongoing attempt to comply with the provisions of the Decree. From 1998 through 2003, YSA paid approximately \$3.6 million to consultants in an effort to bring YSA into sustained compliance and to establish the foundation by which YSA would evolve into a best practices agency. Despite these efforts, the team found that conditions cited in reports by consultants continue to exist, and YSA has failed to effectively implement many of the recommendations provided.

***a. YSA officials stated they could not locate important documentation such as contracts, purchase notifications, and major deliverables.***

The team found significant gaps in documentation of YSA's use of consultants. For example, officials could not provide the team with a 1998 contract through which a consultant was paid \$155,000 to develop an "Implementation Plan" for YSA management reform. Officials also were unable to locate key milestone deliverables referenced in a number of consulting contracts, such as reports assessing various aspects of agency operations and associated recommendations. Officials could not provide the team with any contract deliverables related to their most recent engagement of a consultant for a \$412,000 "agency advancement" project that spanned from December 2002 to July 2003.

***b. The timeframes of several consulting contracts were unrealistic given their ambitious and wide-ranging scope of work.***

Between April 1998 and October 1998, YSA utilized a juvenile justice consulting company to develop and implement a plan for "YSA Management Reform," at a cost of approximately \$622,000. A review of the contract found that within this 7-month period, the consultant agreed to provide primary analysis, planning, recommendations and program management services in the following areas:

- identification of OHYC facility improvements;
- development and implementation of revised agency policies and procedures;
- improvement of YSA's organizational structure, work processes, and staffing;
- improvement of YSA's Management Information System (MIS) and provision of MIS training;
- development of a case management program whereby the needs of each youth are assessed (and reassessed as required) and steps are taken to ensure that the requisite services are provided;
- implementation of an internal financial management system that enables administrators to access statistics that measure cost effectiveness of agency programs and operating practices;<sup>12</sup>

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<sup>12</sup> This system was to provide a means for financial control, inventory and warehouse tracking, and performance tracking against budgets.



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- development and implementation of an effective management system for the entire spectrum of youth residential and treatment options;
- provision of recommendations for redefining YSA's position in the overall government structure of the District;
- provision of agency planning and forecasting; and
- provision of data and processes necessary to begin benchmarking YSA's performance.

The scope of the contract deliverables was extremely unrealistic given the short period of the contract. As a result, the contractor did not provide many of the services listed above, which led to unrealized project goals and, consequently, to YSA's need to acquire additional consulting services.

***c. A consultant was paid in excess of contract funding limits despite the lack of deliverables.***

The team reviewed invoices related to the above-referenced consulting contract. The implementation phase of the contract was from June 1998 through October 1998, and the contract stipulated that the funding level for implementation of the plan was not to exceed \$466,533. By September 28, 1998, however, the consultant had already invoiced YSA in excess of the contract's stipulated funding level even though the majority of the deliverables had not been completed. The team's analysis of the consultant's invoices revealed that 18 of 31 contract deliverables were less than 70% complete on September 28, 1998.

***d. YSA used unauthorized purchase notifications to circumvent the spending and term limits on consultant contracts.***

The team reviewed the payment history and invoices related to the aforementioned 1998 contract and found that YSA approved work and payments to the consultant in 1999 even though the contract expired in October 1998. The team requested documents from YSA, OCP and DHS, but could not find an authorization to extend the contract beyond October 1998. YSA paid this consultant an additional \$143,000 between November 1998 and June 1999.

The team found that YSA circumvented the spending limit and time frame of the contract through the use of purchase notifications that were not signed or approved by an OCP contracting officer. Therefore, there was no indication that YSA was authorized to exceed the stipulated spending and term limits of the contract.

***e. YSA paid a consultant approximately \$1.25 million between 1999 and 2001 in large part to improve the agency's information management system, yet the consultant never delivered basic system capabilities enumerated in the statement of work.***

The team found that this consultant was required to design and implement a new Information Technology (IT) infrastructure for YSA. The infrastructure was to have the ability to generate various statistical reports on YSA's youth population and agency administration,

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such as daily population summaries, weekly admissions and releases, monthly statistical and case management summaries, and court appearance lists.

The consultant failed to provide deliverables stipulated in the contract, and YSA eventually retained the services of another consultant in an attempt to implement an effective IT infrastructure. The team found, however, that YSA's IT system still does not have the capability to generate basic statistical reports. (See Finding 17)

***f. YSA used out-of-state consultants to perform basic administrative tasks such as file reorganization and the collection of Decree compliance data already provided by the Decree Monitor.***

From January 2001 through July 2003, YSA paid two consultants approximately \$1.4 million to develop and implement an "Agency Advancement Plan," to serve as the programmatic guide to establish and maintain YSA's juvenile justice system consistent with the Decree. Both consulting companies were based in Oklahoma and costs related to travel and accommodations accounted for over 20% of the direct costs incurred during the contract periods.

A review of quarterly status reports found that the consultants performed basic administrative tasks while at YSA. Consultants traveled to YSA and routinely re-organized paper files, filed documents, reviewed placement logs for basic data, and audited youth case files to collect Decree compliance data.

Administrative tasks performed by the consultants duplicated the efforts of the court appointed monitor. Case file review and Decree compliance auditing are a significant part of the court monitor's responsibilities for which YSA pays approximately \$150,000 annually.

**Recommendation:**

That the A/YSA, in order to minimize the duplication of previous efforts, coordinate a review and prioritization of all policies, procedures, assessments, and recommendations produced by past consultants, and identify those deliverables that can be salvaged and implemented.

Agree                          X                          Disagree                      \_\_\_\_\_

***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. As part of her mandate to initiate management infrastructure reform, the Interim A/YSA will "coordinate a review and prioritization of all policies, procedures, assessments, and recommendations produced by past consultants, and identify those deliverables that can be salvaged and implemented." Later in these responses, DHS/YSA agrees to a recommendation to review prior contracts recognizing that most of the YSA officials involved with these contracts are no longer employed by the government. Once the Deputy Administrator for Support Services (Chief Administrative Officer) is in place, YSA would like to meet with the*

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*inspection team to review the OIG's factual findings in detail to determine whether further corrective action is indicated.*

### **3. Illegal substances such as marijuana and PCP are smuggled into OHYC regularly.**

According to YSA officials, nearly 100% of OHYC youths suffer from substance abuse problems. The Decree requires YSA to provide treatment programs to assist residents in recovering from these problems. The availability of illegal substances such as marijuana and PCP in OHYC hinders treatment and recovery of residents with pre-existing substance abuse problems.

A number of OHYC employees and substance abuse treatment counselors interviewed by the team stated that the presence of illegal substances has been an ongoing problem for a number of years. The team reviewed a random sample of drug test results and found that numerous residents who tested negative for drug use upon arrival at OHYC also tested positive for marijuana and PCP after being confined (see table next page).

OHYC employees and substance abuse treatment counselors stated that Youth Correctional Officers (YCOs) are a primary source of the illegal substances used by youths in OHYC, and that the lack of proper security checks at the entrance has allowed them, and presumably others, to carry in contraband past the security guards. YSA has taken measures to upgrade the OHYC security force, and that action should improve the detection of contraband (such as illegal drugs) at OHYC entrances. However, OIG recommends that YSA take additional actions such as instituting a canine drug detection program, to prevent the entry of illegal substances into OHYC.

A Management Alert Report (MAR 03-I-011 at Appendix 2) addressing these issues was sent to the A/YSA. A copy of the A/YSA's response to the MAR is at Appendix 3. The team will follow-up on the A/YSA's progress in correcting the problems cited in the MAR.

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### Youths Test Positive for Drugs After Detention in OHYC

The data in this table is taken from OHYC drug testing records. A sampling of individual records shows that many youths who tested negative when they arrived at the facility tested positive weeks later for illegal substances, particularly marijuana. For example, Youth A was tested on June 5, 2003, shortly after arrival and tested negative for illegal substances. On June 30, 2003, however, the same youth tested positive for opiates, cocaine, marijuana, and PCP.

<b>Youth</b>	<b>Date</b>	<b>Opiates</b>	<b>Cocaine</b>	<b>Marijuana</b>	<b>PCP</b>
<b>A</b>	6-05-03	None	None	None	None
	6-30-03	800	1579	63	235
	7-25-03	None	None	54	None
	7-30-03	None	None	121	None
<b>B</b>	5-27-03	None	None	None	None
	6-05-03	None	None	None	None
	6-19-03	None	None	None	None
	7-23-03	None	None	56	None
	7-29-03	None	None	111	None
<b>C</b>	7-10-03	None	None	None	None
	7-30-03	None	None	121	None
<b>D</b>	3-11-03	None	None	None	None
	4-10-03	None	None	300	None

*Note: The numbers listed in the columns beneath the various illegal substances represent the nanograms of the substance found in the youth's urine.*

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### Recommendations:

- a. That the A/YSA request that the DHS Office of Investigations and Compliance (OIC) investigate allegations by staff members that YCOs are transporting illegal substances into OHYC. The Director of DHS should report the results of that investigation to the Inspector General, and to other government entities as may be required by District, Maryland, or federal law.

Agree                        X                        Disagree                    \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In connection with MAR 03-I-011, the Interim A/YSA requested, through the DHS Director, that DHS/OIC investigate allegations by YSA staff members that YCOs are transporting illegal substances into OHYC.*

- b. That the A/YSA explore the feasibility of implementing a canine drug detection program for illegal substances at OHYC.

Agree                        X                        Disagree                    \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with each of OIG's factual findings. YSA has explored the feasibility of working with the D.C. Metropolitan Police Department (MPD) and the D.C. Department of Corrections (DOC) to use the OHYC as an extension of their respective canine training programs to buttress YSA's drug interdiction measures inside of the facility. MPD already has visited OHYC on three separate occasions and DOC is expected to have similar capabilities within two months. YSA is working with MPD and DOC to implement a permanent canine drug detection program for illegal substances at both OHYC and YSC.*

#### **4. OHYC does not have a substance abuse treatment program as required by the Decree and is in jeopardy of failing to qualify for federal grant funding.**

OHYC has been without a structured substance abuse treatment program since March 2003. Prior to that date, a vendor provided a substance abuse treatment program called Substance Abuse Free Environment (SAFE). The team found the vendor chose not to seek renewal of its contract because OHYC could not provide an environment conducive to producing positive therapeutic results. They specifically cited OHYC's inability to curtail the influx of illegal substances as a major factor in their decision.

The Decree mandates at page 21 that "[a]dequately trained and a sufficient number of personnel will be available at the facilities to provide drug educational and counseling services,

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as needed based on the [youth's individual service plan]....” As a result of not having a substance abuse treatment program, YSA is in violation of the Decree, and youths in need of treatment are denied this vital service. In addition, OHYC may be eligible to receive funding for a substance abuse treatment program through the Residential Substance Abuse Treatment (RSAT) program<sup>13</sup>, a federal grant awarded by the U.S. Department of Justice. However, without a substance abuse treatment program in place, YSA is not eligible to apply for funds from this grant.

The team found that various OHYC social service and mental health employees are currently providing limited substance abuse counseling and education to youths. However, these employees stated that the education and counseling they provide are not an adequate replacement for the comprehensive treatment program previously provided by the certified substance abuse treatment counselors through the SAFE program.

### **Recommendation:**

That the A/YSA expedite the procurement of a contract to provide drug educational and counseling services as required by the Decree and ensure that YSA is eligible to apply for the federal grant funding.

Agree                      **X**                      Disagree

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. For example, YSA specifically disagrees with the statement in the previous section that, “[a]ccording to YSA officials, nearly 100% of OHYC youths suffer from substance abuse problems.” YSA recently tested 159 youth and only 14 or 8.8% tested positive for the presence of illegal substances (i.e. cannabinoids). Nevertheless, YSA considers drug educational and counseling services to be a top priority. In March 2002, the D.C. Office of Contracting and Procurement (OCP) issued RFP No. PO-JA-2002-R-0037, which was designed to obtain proposals to establish a therapeutic community treatment approach to treat the substance abuse problems of youth committed to the OHYC. The RFP was modified several times and, in its final version, requested that the successful offeror provide YSA with substance abuse services for 20 committed youth at OHYC with a 1:10 treatment staff-to-youth ratio using the therapeutic community treatment approach. YSA reassessed its needs and decided to seek substance abuse services for 40 committed youth at OHYC, to require a 1:5 treatment staff-to-youth ratio, and to recommend a Cognitive Behavioral approach. Accordingly, OCP cancelled RFP No. PO-JA-2002-R-0037 and issued a new solicitation incorporating YSA's reassessed requirements. Twelve potential offerors met with procurement officials in late February 2004 to discuss the program requirements.*

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<sup>13</sup> RSAT assists states in developing and enhancing drug treatment for offenders. Grant-supported programs must be 6 to 12 months in duration. Treatment participants must reside apart from the general inmate population. Funding received from the RSAT program is administered and distributed by the D.C. government's Office for Public Safety and Justice, Justice Grants Administration division.

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### 5. Contract security guards allowed serious security breaches at entrances to the OHYC Detention Facility.

During most of the period covered by this inspection, a private firm contracted by the District's Office of Contracting and Procurement (OCP) provided security at OHYC entrances. The Office of Property Management's (OPM) Protective Services Division was responsible for monitoring security services under this contract. Because the security guards were hired through OCP and monitored by OPM, YSA management exercised no direct supervision over the guards. According to YSA management, neither OCP nor OPM adequately monitored the performance of the security guards. The contract did not permit YSA management to take disciplinary action against guards who violated security policies and procedures, even when an infraction was fully documented.

The duties of the contracted security guards were to:

- prevent the entrance of contraband<sup>14</sup> into the detention facility through the use of effective package searches, metal detector screenings, and frisks or pat searches; and
- control the perimeter of the facility by preventing unauthorized persons and/or vehicles from entering the facility by obtaining proper identification and registering all non-YSA employees and vehicles.

A Management Alert Report (MAR 03-I-007 dated October 9, 2003) alerted District officials to significant problems in security at OHYC, and a number of these problems were attributed to the poor performance of the contract security officers. The MAR and management's response, which contains plans for addressing these problems, are at Appendices 4 and 5. In November 2003, the City Administrator replaced the contract security force with officers from the District's Department of Corrections. It is not clear at this writing if this change will be permanent.

Although the findings and recommendations in this section were developed when the security force was contractual, they remain relevant because some security problems, such as careless searches, inadequate frisk and pat procedures, and inadequate background checks, have not yet been resolved. In addition, this information can be evaluated and used by YSA as lessons learned, and is applicable to establishing an effective permanent security operation with a new group of security personnel.

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<sup>14</sup> YSA defines contraband as articles, prohibited under law applicable to the general public, that are readily capable of being used to cause death or serious physical injury, such as firearms, cartridges, knives, explosives, or illegal drugs. These items are prohibited by the rules and regulations of the facility and, when possessed by a resident without authorization, are considered contraband and are seized.

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***a. Inadequate searches by security guards allowed the entrance of contraband items, including illegal substances, into the secure detention facility.***

YSA management has posted signs at the entrance of OHYC advising visitors and employees that all packages are subject to search. A list of contraband items that are not permitted in the facility is posted at the same entrance. The team found, however, that the security guards were performing only cursory searches of items, such as bags, briefcases, and purses, brought into the facility by staff and visitors. On numerous occasions, the team observed the security guards failing to open and search these items. As a result, staff stated that contraband - - including cell phones, non-prescription drugs (such as marijuana and PCP), cigarettes, lighters, videotapes, knives, items that could be used as weapons (such as ice picks), and pornographic materials - - have gone undetected through the security checkpoint. Consequently, a number of residents have tested positive for illegal substances during random drug testing.

***b. Security guards did not always use the metal detector at the gatehouse.***

ACA recommends the use of metal detectors at entrance gates. YSA uses a walk-through metal detector similar to those found at airports. Employees and visitors are required to walk through the metal detector prior to entering the secure facility.

On numerous occasions, the team observed that security guards failed to activate the metal detector, and visitors walked through unchecked. Also, visitors and employees were not required to take bags, purses, briefcases, or packages through the metal detector. As a result, unchecked or inadequately searched bags containing guns, knives, or metal objects that could be used as weapons could be carried into the facility with their contents undetected.

***c. Security guards were not using effective frisk or pat search procedures on employees and visitors.***

All visitors are advised that they will be subject to a frisk or pat search of their clothing prior to entering the facility. The Deputy Administrator stated that all employees are also subject to a frisk or pat search.

The team found that security guards conducted only cursory searches by lightly running their hands over the shoulders, arms, sides of the body, and the sides of legs of those who enter the facility. Security guards also did not require visitors or employees to empty their pockets when items that might be questionable were detected. Often, there was no frisk or pat down of any visitor or employee.

Security guards stated that they did not have correctional facility backgrounds, had not been provided written guidelines for conducting frisk or pat searches, and had not been trained by either the security company or YSA. Several security guards stated that former employees provided only verbal instructions on the frisk and pat search procedures.

***d. Control of pedestrians and vehicles entering the front gate was inadequate and***



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*sometimes negligent.*

ACA standards recommend that pedestrians and vehicles enter and leave a secure facility at designated points on the perimeter. Those designated points should be controlled by appropriate means to prevent unauthorized access.

YSA maintained one security guard at the entrance of OHYC to monitor all vehicles and pedestrians entering the facility. This employee was required to manually open and close the security gates, register the vehicle license plates of all non-YSA and non-government employees, and obtain positive identification of all non-YSA employees.

The inspection team found that on numerous occasions, there was no security guard present at this entrance, and the security gates had been left open and unattended because the guard left to use a restroom located across the street from the entrance. (Restroom facilities inside the front gate security trailer had been out of service since 2001.) On other occasions, the team observed the security guard sitting in the guard trailer, using the telephone, and allowing vehicles to enter and exit the open security gate at will.

YSA management requested that the security company provide additional staffing for the front gate, but the contractor denied this request, apparently because OCP had not provided funding for additional staffing at this post.

**Recommendations:**

- a. That the A/YSA provide adequate policies, procedures, and training for security guards to ensure that proper searches of all bags and packages of visitors and employees entering the secure detention facility are conducted.

Agree                X                Disagree            \_\_\_\_\_

***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. These factual findings appear to contemplate use of a contractor for security services. DHS/YSA is working with the Department of Corrections (DOC) under the terms of a Memorandum of Understanding (MOU) to "provide adequate policies, procedures, and training for security guards to ensure that proper searches of all bags and packages of visitors and employees entering the secure detention facility are conducted."*

- b. That the A/YSA provide adequate policies, procedures, and training for security guards to ensure that effective frisk and pat search procedures are conducted on visitors and employees entering the secure detention facility.

Agree                X                Disagree            \_\_\_\_\_

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### ***DHS's Response to IG's Recommendation, as Received:***

*DHS/YSA is working with DOC under the terms of a MOU to "provide adequate policies, procedures, and training for security guards to ensure that effective frisk and pat search procedures are conducted on visitors and employees entering the secure detention facility."*

- c. That the A/YSA ensure that the gatehouse metal detector is operational and in use at all times.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*YSA is seeking to replace the non-operational gatehouse metal detector and will thereafter "ensure that the gatehouse metal detector is operational and in use at all times." YSA is using grant funds in FY 2004 for this purpose.*

- d. That the A/YSA ensure that at least two security guards are present at the perimeter entrance gate and that guards adhere to all entrance security procedures.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*DHS/YSA is working with DOC under the terms of a MOU to provide perimeter security for OHYC. The applicable ACA standards do not require two security personnel at the perimeter entrance gate. Rather, DOC provides a single officer for the perimeter entrance gate with a relief officer. YSA believes that the current staffing for this post is appropriate given its limited function (i.e. essentially a checkpoint) and other security measures in place at specific destinations on the grounds.*

**OIG Response: Actions planned and taken by YSA should adequately address the conditions noted.**

- e. That the A/YSA take immediate action to have the front gate restroom facilities repaired so that guards will not have a reason to leave the post unsecured.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*YSA has repaired the previously non-operational front gate restroom facilities referenced in this section.*

- 6. YSA does not conduct adequate and timely background checks on those who must have regular contact with youths.**

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ACA standards and best practices suggest that a criminal background check be conducted on all employees who would have regular contact with youths. Although YSA is not required by District law to conduct such checks, an internal policy has required them since 1999. Prior to that year, background checks were neither required nor routinely conducted.

*a. A number of current employees working closely with youths have not undergone background checks.*

The team reviewed 30 randomly selected personnel files of employees who work with youths at OHYC. Fifteen files were for employees hired since 1999, and 10 of the 15 (66%) did not contain verification that a background check had been conducted. None of the files reviewed for employees hired prior to 1999 contained background check information. According to the Human Resources Manager, no effort has been made to conduct criminal background checks on current employees hired prior to 1999.

*b. Background checks are limited to a search of Metropolitan Police Department (MPD) records.*

Current and potential OHYC employees reside not only in the District, but also in Maryland and Virginia. Consequently, best practices suggest that in addition to YSA's limited MPD records search, background checks should include surrounding law enforcement jurisdictions, as well as the Federal Bureau of Investigation's National Crime Information Center (NCIC). YSA also does not review the Central Registry of Crimes Against Children/Sex Offenders as part of its background check.

YSA's Human Resources Manager stated that because YSA is not a law enforcement agency, it does not have direct access to the NCIC, and attempts to have NCIC checks conducted by MPD on behalf of YSA have failed because of funding issues.

Without adequate background checks on all employees who must interact routinely with youths, YSA may unknowingly hire or have currently employed individuals with a history of violence, abuse, or other criminal behavior that could endanger the youths entrusted to their care. This creates an unnecessary and unacceptable risk to OHYC youths, their families, and the District government.

### **Recommendations:**

- a. That the A/YSA ensure that all current employees with regular contact with youths and all applicants undergo a MPD criminal background check as required by current policy.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

***DHS's Response to IG's Recommendation, as Received:***

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*The Interim A/YSA will “ensure that all current employees with regular contacts with youths and all [successful] applicants undergo a MPD criminal background check as required by current policy” and in connection with current emergency and temporary legislation.*

- b. That the Director of the Department of Human Services propose legislation to the Mayor that would require and fund a complete background check for appropriate OHYC and other YSA employees, to include a check of the records at MPD and surrounding law enforcement jurisdictions, an NCIC check, and a review of the Central Registry of Crimes Against Children/Sex Offenders.

Agree                        X                        Disagree                    \_\_\_\_\_

### ***DHS’s Response to IG’s Recommendation, as Received:***

*The DHS Director notes that current emergency and temporary legislation already is in place and has been the subject of hearings before the Council of the District of Columbia.*

### **7. YSA vehicles are being operated with expired inspection stickers and without semi-annual preventive maintenance checks in violation of District Regulations.**

YSA maintains a fleet of buses, passenger vehicles, and trucks to transport residents and supplies, and for general maintenance activities at YSA facilities.

Title 18 DCMR § 602.4 states:

It shall be unlawful for any person to operate, park, or permit to be operated or parked on public space any vehicle bearing current District of Columbia tags, except a vehicle exempt under the provisions of § 602.3,<sup>15</sup> unless there is displayed on the right side of the vehicle’s windshield one of the following:

- (a) A current District of Columbia inspection sticker;
- (b) A temporary sticker issued by the Director; and
- (c) A temporary registration certificate issued by a registered District of Columbia dealer or repair shop when transferring ownership for registration purposes.

During an inspection of the YSA motor pool, the team observed 10 vehicles with either no inspection stickers or expired stickers. As a result, the team obtained a list of all vehicles assigned to YSA, and documented 32 of 62 YSA vehicles with expired inspection stickers.

The team found that expired inspection stickers had been removed from some vehicles in

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<sup>15</sup> None of the exemptions listed in Section 602.3 apply to this issue.

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order to prevent employees from driving them. However, management indicated that some employees continued to operate these vehicles outside of the OHYC compound in violation of District regulations.

The team also noted that 26 of 62 vehicles had not received semi-annual preventive maintenance (PM) checks as required by the Department of Public Works (DPW), Fleet Management Administration (FMA). The FMA manual states at page 87, “all vehicles will be scheduled at least semiannually for [PM inspection].” In addition, FMA policies state that “the [r]epeated failure to comply with PM inspection schedules may result in a restriction of vehicle use and/or the refusal of fuel.”<sup>16</sup> *Id.* at 89.

YSA managers stated that only one DPW mechanic is available 2 days per week to service the entire fleet of YSA vehicles at OHYC. Consequently, the mechanic cannot adequately service YSA vehicles in a timely manner, thereby delaying necessary vehicle repairs and maintenance.

A Management Alert Report (MAR 03-I-006, Appendix 6) addressing these issues was sent to the A/YSA. A copy of the A/YSA’s response to the MAR is at Appendix 7. The team will follow-up on the A/YSA’s progress in correcting the problems cited in the MAR.

### **Recommendations:**

- a. That the A/YSA ensure that all vehicles are properly inspected in accordance with District Municipal Regulations.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS’s Response to IG’s Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG’s factual findings.*

- b. That the A/YSA discontinue the use of vehicles that do not contain valid inspection stickers.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS’s Response to IG’s Recommendation, as Received:***

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<sup>16</sup> Pursuant to Mayor’s Order 2000-75, the Department of Public Works, Fleet Management Administration is responsible for maintaining the fleet management program of the District government. This includes vehicle maintenance, repair, and replacement for all District agencies. However, the agency heads of the Metropolitan Police Department, Department of Corrections, and Fire and Emergency Medical Services may, at their discretion, continue to procure, acquire, maintain, repair, and dispose of non-emergency vehicles and motor equipment used by their agencies.

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*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings.*

- c. That the A/YSA ensure that semi-annual preventive maintenance checks are conducted on all YSA vehicles.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings.*

- d. That A/YSA coordinate with DPW to either increase staffing levels for mechanics assigned to OHYC or allot additional days per week for the DPW mechanic to service and maintain YSA's fleet of vehicles.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings.*

**8. YSA employees are operating government vehicles without valid state driver's licenses and government motor vehicle identification cards.**

Title 18 DCMR § 100.2 states

[n]o person, except those expressly exempted by § 100.3,<sup>17</sup> shall drive any motor vehicle in the District of Columbia unless he or she has a valid license under the provisions of this chapter.

In addition, YSA Policy Number 9.11, Section V(A)(3) (2000), states :

All employees must possess a valid state driver's license from D.C., Maryland or Virginia, to operate a District owned or leased vehicle, and all employees must possess and maintain on their person, a valid D.C. Government Motor Vehicle Driver Identification Card.

Documentation provided by YSA management disclosed that 32 YSA employees authorized to drive District vehicles had not provided validation of their state licenses and D.C. Government Motor Vehicle Driver Identification Cards. Also, additional documentation

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<sup>17</sup> These exemptions do not apply to this issue.

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disclosed that 38 employees had expired D.C. Government Motor Vehicle Driver Identification Cards.

A Management Alert Report (MAR 03-I-006, Appendix 6) addressing these issues was sent to the A/YSA. A copy of the A/YSA's response to the MAR is at Appendix 7. The team will follow-up on the A/YSA's progress in correcting the problems cited in the MAR.

### **Recommendation:**

That the A/YSA ensure that all vehicle operators maintain current state driver's licenses and D.C. Government Motor Vehicle Identification Cards.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree OIG's factual findings.*

### **9. YCOs and transportation officers lack adequate communication equipment.**

YCOs' primary responsibilities are to provide security and supervision within the various educational, recreational, treatment, and residential buildings, and to escort youths between buildings in the OHYC secure area. YCOs use a centrally located office in each housing unit to store equipment, process paperwork, and complete other routine tasks.

Transportation officers escort youths from OHYC to D.C. Superior Court on "court buses," and transport youths to treatment facilities within the metropolitan area using passenger vans.

- a. A number of YCOs do not have two-way radios that would enable them to communicate with OHYC's security control office. This jeopardizes their safety and compromises overall security.***

The team noted that many of the YCOs on duty in the housing units were not carrying two-way radios. They stated that often there is only one radio available within each housing unit<sup>18</sup> even though there are two or more officers assigned to the unit. The team also observed YCOs without two-way radios in areas other than the housing units, escorting and supervising youths. The team observed several radios in poor condition. One radio appeared to be held together with clear tape, while another was bound with rubber bands. YCOs stated that the two-way radios do not have clear, audible reception, rendering them useless in an emergency.

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<sup>18</sup> OHYC housing units 7, 8, 9, and 10 each have an "A" unit and a "B" unit. When using the term "housing unit," the inspection team considers, for example, Units 7A and 7B to be two separate housing units.

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The quantity and condition of the two-way radios represent a potentially significant threat to the safety of the YCOs, especially those working in the housing units. If there is only one two-way radio in a unit, and the officer carrying that radio is involved in an altercation during which the radio is damaged or inaccessible, other officers on duty may be unable to quickly request and receive assistance. In that scenario, an officer would have to reach the nearest available hard-wired telephone.

***b. The hard-wired telephones located in some YCO offices in the housing units are inoperative.***

The team found that a number of hard-wired telephones in the housing unit security offices used by YCOs were inoperative, and in Unit 6 where females are detained, the telephone was missing. During a visit to one unit in September 2003, YCOs on duty stated that the telephones had been out of service since June 2003, and they did not have access to another telephone.

***c. An inadequate number of telephones for youths' personal calls contributes to security risks in the housing units.***

The YCO office should be off-limits to youths at all times and the phone should be for staff use only. This ensures reliable communication should radios be unavailable and minimizes the possibility that youths could disable the telephone prior to or during an altercation or escape attempt.

As stipulated in the Decree, "children are entitled to two telephone calls per week of ten minutes each" and "telephones will be located on each living unit."<sup>19</sup> The team found that the number of telephones available for these calls in the living units is insufficient. As noted above, YCOs in one unit stated that the telephone had not worked since June 2003, and YCOs were not providing youths with their biweekly calls from a telephone in their living unit, as stipulated in the Decree.

According to several YCOs, often the only phones available for these calls are in the YCO offices. On one occasion the team observed a youth using the telephone in a YCO office.

***d. When transporting youths outside of OHYC, transportation officers, who must maintain security and report incidents, are not issued government radios or cellular telephones, and cannot maintain regular contact with the OHYC security control office.***

The three to four transportation officers, who escort youths between OHYC and D.C. Superior Court and other locations, are not given government-issued telephones or radios. They often use their personal cellular telephones to communicate with the OHYC security control office, even though they are not reimbursed for the calls.

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<sup>19</sup> A case manager, or in his/her absence a YCO, must place all calls for the youths.



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At least one of the transportation officers should have reliable communication equipment, either a cellular phone or two-way radio, in order to communicate with the OHYC security control office or public safety agencies (such as the Metropolitan Police Department) in the event of an emergency.

A Management Alert Report (MAR 03-I-008 at Appendix 8) addressing these issues was sent to the A/YSA. A copy of the A/YSA's response to the MAR is at Appendix 9. The team will follow-up on the A/YSA's progress in correcting the problems cited in the MAR.

### **Recommendations:**

- a. That the A/YSA ensure that each YCO on-duty at OHYC has a functional two-way radio for the duration of his or her shift.

Agree \_\_\_\_\_ Disagree     X    

### ***DHS's Response to IG's Recommendation, as Received:***

*The DHS Director noted in her response to MAR 03-I-008 that 25 additional two-way radios were purchased and that these radios were assigned to each housing unit so that YCOs on duty have access to radios.*

OIG Response: **Actions planned and taken by YSA should adequately address the conditions noted.**

- b. That the A/YSA ensure that wired telephones are repaired or replaced so that the YCO office in each housing unit has a working telephone.

Agree     X     Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. The DHS Director noted in her response to MAR 03-I-008 that YSA, in conjunction with DHS's Deputy Director's Office, the Office of the Chief Technology Officer (OCTO), and Verizon Communications, "completed a thorough assessment regarding the telecommunications needs of YSA and they are in the process of establishing a corrective action plan." The Interim A/YSA will take action in accordance with the corrective action plan.*

- c. That the A/YSA provide additional telephones in each housing unit (i.e., a phone other than the one in the YCO office) to accommodate the youths' biweekly telephone calls.

Agree     X     Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

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*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. The DHS Director noted in her response to MAR 03-I-008 that YSA, in conjunction with DHS's Deputy Director's Office, OCTO, and Verizon Communications, "completed a thorough assessment regarding the telecommunications needs of YSA and they are in the process of establishing a corrective action plan." The Interim A/YSA will take action in accordance with the corrective action plan.*

- d. That the A/YSA ensure that at least one transportation officer in addition to the driver is provided with a radio or cellular telephone in order to communicate with the OHYC security control office or with outside public safety agencies.

Agree              X              Disagree        \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings.*

- e. That the A/YSA discontinue the practice of allowing youths to use telephones in the YCO offices.

Agree              X              Disagree        \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. The DHS Director noted in her response to MAR 03-I-008 that YSA, in conjunction with DHS's Deputy Director's Office, OCTO, and Verizon Communications, "completed a thorough assessment regarding the telecommunications needs of YSA and they are in the process of establishing a corrective action plan." The Interim A/YSA will take action in accordance with the corrective action plan.*

### **10. Not all staff members in the Social Services department have working telephones and voicemail.**

OHYC's treatment team leaders (TTLs) and social services representatives (SSRs) provide a significant amount of the diagnostic, treatment, and case management services to youths at the facility. TTLs and SSRs perform intake and assessment procedures, issue diagnostic and treatment referrals, and communicate regularly with the youths' families, off-site case managers, and treatment providers. Each TTL and SSR has office space in their assigned housing unit, and it is imperative that they have access to telephones and voicemail.

The team interviewed social services staff members and noted that not all of the TTLs and SSRs have telephones in their unit offices and/or functioning mailboxes on the facility's voicemail system. Social services employees who do not have a telephone in their unit office must either use the telephone in another unit or rely upon their personal cell phones. Similarly,

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those social services employees who lack voicemail capability either use their personal cell phones or instruct callers to dial the social services office main phone number and leave a message with the person who answers.

The TTLs and SSRs provide a vital link between OHYC youths and various agencies and service providers located both within the facility and in the community. These employees also provide critical, time sensitive information and updates to family members and off-site caseworkers. The lack of a telephone or an inoperable voice mailbox impedes an employee's ability to provide responsive care and efficiently interact with all parties that participate in a youth's treatment and rehabilitation.

A Management Alert Report (MAR 03-I-008 at Appendix 8) addressing these issues was sent to the A/YSA. A copy of the A/YSA's response to the MAR is at Appendix 9. The team will follow-up on the A/YSA's progress in correcting the problems cited in the MAR.

### **Recommendation:**

That the A/YSA ensure that employees in the Social Services department (TTLs, SSRs, and their supervisors) have functioning telephones and voice mailboxes.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. The DHS Director noted in her response to MAR 03-I-008 that YSA, in conjunction with DHS's Deputy Director's Office, OCTO, and Verizon Communications, "completed a thorough assessment regarding the telecommunications needs of YSA and they are in the process of establishing a corrective action plan." The Interim A/YSA will take action in accordance with the corrective action plan.*

### **11. Inadequate security equipment in the female housing unit impedes YCOs' effectiveness and creates potential hazards.**

YSA houses committed<sup>20</sup> and detained<sup>21</sup> female residents in a separate housing unit (Unit 6). Unit 6 is in an isolated area approximately one mile from the OHYC security control office. The team observed serious deficiencies that impair the ability of YCOs to effectively maintain the safety and security of female residents and to ensure their own safety as well.

#### ***a. Unit 6 has only one two-way radio for use by five security officers.***

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<sup>20</sup> A commitment or "committed youth" is defined as a juvenile court disposition ordering an adjudicated delinquent be held, for a definite period of time in the state's delinquency agency, typically in a training school or other secure institution.

<sup>21</sup> A detainment or "detained youth" is defined as the temporary custody of juveniles who are accused of a delinquent act and require a restricted or secure environment for their own or the community's protection while awaiting a final court disposition.

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Unit 6 has five YCOs on duty who provide security and supervision of female residents. They escort residents from the unit to medical appointments, court appearances, and the main secure detention facility. However, the YCOs on duty in this unit must provide 24-hour security with only one two-way radio. YCOs stated that often the radio malfunctions, leaving them unable to communicate with the security control center.

The lack of a sufficient number of two-way radios and the poor condition of the one radio on hand represent a significant threat to the safety and security of the YCOs and residents. For example, if there were an altercation or other disturbance at Unit 6, residents and YCOs alike would be at risk of sustaining serious injuries that might be avoided if the YCOs have an adequate number of properly functioning radios with which to summon immediate assistance.

***b. There is no telephone in the Unit 6 security office.***

It is critical that each YCO office in each housing unit has functioning telephones as backup to the two-way radios in case the radios malfunction and there is an immediate need for assistance.

The Unit 6 security office is not equipped with a telephone and YCOs must rely solely on two-way radios for communication. A backup telephone system is particularly important in the YCO office at Unit 6 where there was only one two-way radio as discussed above.

***c. The electronic security monitoring system in Unit 6 is inoperative, and the facility's exterior lighting is inadequate.***

YSA Post Orders dated May 1992 state, “[Correctional staff are] [t]o make sure that all Electronic Security Systems are on-line, operational[,] and report all malfunctions to a [Supervisor]...[T]he malfunction and actions taken shall be recorded in the Log Book.”

Although Unit 6 has security monitoring equipment in the YCO office to provide real time viewing of the hallways, recreational areas, and day-to-day operations throughout the unit, the equipment is inoperative. The team found that several cameras used for electronic monitoring were outdated and performing inadequately. YCOs stated that much of the electronic security system has been inoperative for several years. The lack of adequate monitoring equipment prevents proper surveillance of the secured areas, and could allow residents to escape from the facility undetected.

YCOs also stated that the illumination provided by the exterior security lights in the parking area of the facility is inadequate. They fear that intruders could lie in wait in dark or inadequately lit areas around the building, and then assault them as they walk to their cars at the end of each shift.

***d. The metal detector and hand wand at the entrance of the Unit are not always activated.***

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The ACA recommends the use of metal detectors at the facility's entrance. Unit 6 uses a walk-through metal detector similar to those found at airports, but it had not been activated when the inspection team visited. Unit 6 also has a hand wand to scan employees and visitors for metal objects, but the hand wand did not have batteries and was not being used. Consequently, visitors could bring contraband metallic objects, such as guns and knives, into the unit without detection.

***e. The YCO security office's lack of air conditioning and heating creates uncomfortable working conditions.***

ACA standards recommend that temperatures in living and work areas be appropriate to the summer and winter comfort zones, and that employees be able to mechanically raise or lower temperature and humidity to an acceptable comfort level. However, the team observed that there are no operating heating or air conditioning units in the YCO security office, which serves as the unit's command post. Consequently, YCOs often must tolerate either extreme heat or extreme cold on each shift.

***f. YCOs are not issued proper uniforms.***

YCOs are issued uniforms to wear while on duty. These uniforms should be suitable for both winter and summer months. Unit 6 YCOs stated that they have not received winter uniforms and are forced to wear summer uniforms that are inappropriate for the winter season. They further stated that their uniforms often are two and three sizes too large and must be altered at their own expense. Despite requests for seasonal and appropriately sized uniforms, YCOs stated that their requests have not been accommodated.

The cited deficiencies in the areas of communication, electronic monitoring, security lighting, metal detectors, and the work environment impede YCOs' ability to work effectively and efficiently, and create potential hazards for both YCOs and residents.

A Management Alert Report (MAR 03-I-009 at Appendix 10) addressing these issues was sent to the A/YSA. A copy of the A/YSA's response to the MAR is at Appendix 11. The team will follow-up on the A/YSA's progress in correcting the problems cited in the MAR.

**Recommendations:**

- a. That the A/YSA ensure that each YCO on duty in Unit 6 has a functional two-way radio for the duration of his or her shift.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

***DHS's Response to IG's Recommendation, as Received:***

*In response to MAR 03-I-008, the DHS Director advised OIG of certain new procedures to address communication equipment deficiencies at OHYC. In response to MAR 03-I-009, the Interim A/YSA issued four additional two-way radios to the Unit Supervisor in Unit 6. In the*

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*event additional radios are necessary, the Officer of the Day will ensure that any staff member who needs access to a two-way radio receives this equipment immediately.*

OIG Response: **Actions planned and taken by YSA should adequately address the conditions noted.**

- b. That the A/YSA ensure that a working telephone is installed in the YCO security office.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In response to MAR 03-I-008, the DHS Director advised OIG of certain new procedures to address communication equipment deficiencies at OHYC. In response to MAR 03-I-009, the Interim A/YSA issued four additional two-way radios to the Unit Supervisor in Unit 6. Please be advised that the telephone that was broken during the inspection team's visit to Unit 6 has been repaired and is operational.*

- c. That the A/YSA ensure that an emergency buzzer, direct phone line, or other notification device is connected between Unit 6 and the OHYC security control center to provide an alternative means of immediate communication in the event of an emergency.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In response to MAR 03-I-008, the DHS Director advised OIG of certain new procedures to address communication equipment deficiencies at OHYC. In response to MAR 03-I-009, the Interim A/YSA issued four additional two-way radios to the Unit Supervisor in Unit 6. In the event additional radios are necessary, the Officer of the Day will ensure that any staff member who needs access to a two-way radio receives this equipment immediately.*

- d. That the A/YSA ensure that all electronic security monitoring equipment is repaired or replaced.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In response to MAR 03-I-009, the Interim A/YSA advised that "YSA has repaired the electronic monitoring system in Unit 6."*

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- e. That the A/YSA ensure that YCOs keep the metal detector activated at all times, that batteries are installed in the hand scanner, and that the scanner is used in accordance with procedures.

Agree  Disagree

***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In response to MAR 03-I-009, the Interim A/YSA advised as follows: "The metal detector and hand wand equipment at Unit 6 have been replaced. The equipment is operational and the staff has been instructed to have this security equipment operational at all times."*

- f. That the A/YSA ensure the installation of adequate lighting for the exterior building perimeter.

Agree  Disagree

***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In response to MAR 03-I-009, the Interim A/YSA advised as follows: "YSA is aware of the need to upgrade the facility's exterior lighting, and arrangements are being made to upgrade the electrical power so that institutional lighting can be enhanced for Unit 6."*

- g. That the A/YSA ensure that sufficient air conditioning and heating are provided in the YCO security office.

Agree  Disagree

***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In response to MAR 03-I-009, the Interim A/YSA advised as follows: "The heating and air conditioning ("HVAC") systems at Unit 6 are operational. However, due to the age of the HVAC system, there are no individual thermostats in the units that allow staff to regulate the temperatures in each unit. YSA currently is investigating ways in which we can provide facility enhancements that will address this situation."*

**12. The ratio of youths to YCOs exceeds Decree requirements.**

The Decree states at page 13 that:

Sufficient numbers of trained and qualified cottage life staff shall be employed in each of the facilities to supervise youths at all

## KEY FINDINGS

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times. The ratio of cottage life staff to children shall be 1:10 at a minimum at all times that children are in the cottage or unit, except during normal sleeping hours.

Although two YCOs are assigned to each housing unit, the team observed that frequently only one YCO was on duty during the daytime. The team found that the Officer of the Day (OD) often reassigns YCOs from their original residential posts to provide security coverage in other areas of the facility. YCOs stated that consequently, they often work alone in the housing units, and must monitor 17-20 youths during the daytime, well beyond the 1:10 ratio required by the Decree. This not only violates the Decree, but also leaves YCOs unable to effectively monitor youth activities and ensure the security and safety of both the youths and themselves.

### **Recommendation:**

That the A/YSA take the necessary steps to ensure compliance with the youth to YCO ratio.

Agree                        X                        Disagree                    \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA recently hired additional YCOs and continues to recruit to fill vacancies in these positions at OHYC.*

### **13. Serious fire safety deficiencies may put residents and employees at risk.**

YSA policies and procedures state that fire hoses or extinguishers are to be available throughout OHYC; emergency evacuation plans must be posted publicly and fire drills are to be conducted on a quarterly basis.<sup>22</sup> In order to meet OHYC's fire prevention and fire safety requirements, the YSA Health and Safety Officer must conduct monthly fire safety inspections of OHYC, and all inspection reports are to be kept on file and available for examination. In addition, the Health and Safety Officer must be knowledgeable of the District's 1996 Fire Prevention Code and the 1999 District of Columbia Construction Code Supplement.

#### ***a. Fire extinguishers were not accessible, fire drills were not being conducted, and emergency evacuation plans were not posted in key areas.***

Fire extinguishers were not readily accessible to staff members and residents. YCOs assigned to various security posts throughout OHYC did not have keys to access fire extinguisher lock boxes in the event of an emergency. Fire extinguishers in the gymnasium were locked in a closet and were not readily accessible. According to the Recreation Specialist,

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<sup>22</sup> YSA Administrative Issuance No. 4-004, Part III- Facility Operations and Management, Chapter 4- Safety and Environmental Health. This document establishes policies and procedures for the safety programs, inspections, and fire and evacuation plans for institutional and community based residential facilities within YSA, including OHYC.



## KEY FINDINGS

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these extinguishers had been removed from the wall mounts to prevent residents from tampering with them.

The team also found that mandatory quarterly fire drills were not being conducted and emergency evacuation plans were not posted in every OHYC building. The team reviewed weekly fire inspection reports for the previous 6 months, but did not find any documentation or notes showing that quarterly fire drills had been conducted in the residential housing units. According to the Facilities Maintenance Foreman and other OHYC employees, fire drills are rarely conducted. The team found that the last documented fire drill was conducted on February 27, 2002.

Although YSA policy does not require that an emergency evacuation plan be posted at every location, the team found that many key locations at OHYC - such as classrooms, vocational buildings, and the gymnasium - lacked posted emergency evacuation plans.

***b. OHYC does not have a trained Health and Safety Officer to conduct fire safety inspections.***

OHYC does not employ a Health and Safety Officer who is knowledgeable of the District's 1996 Fire Prevention Code and the 1999 District of Columbia Construction Code Supplement.<sup>23</sup> Rather, an untrained OHYC maintenance employee currently performs weekly fire safety inspections in conjunction with his other assigned duties. Without proper training, however, this employee cannot ensure that such inspections are conducted in accordance with the fire and construction codes referenced above, and therefore cannot ensure the safety of residents and employees of OHYC.

The team reviewed a District of Columbia Fire and Emergency Medical Services Department (FEMS) Fire Prevention Bureau fire safety inspection report dated October 8, 2003. The report documented 88 fire safety deficiencies requiring immediate abatement. The team conducted an informal review based on the FEMS report and noted that as of November 19, 2003, 20 of the 88 deficiencies had not been abated because parts for repairs had not yet been received.

The lack of a trained Health and Safety Officer knowledgeable about fire safety and construction codes likely resulted in OHYC's inability to detect and correct fire hazards documented by FEMS during its fire safety inspection.

***c. The locks on housing unit doors are manual and could pose a safety hazard in the event of a fire or other emergency.***

During an inspection of the housing units for males and females, the team noted that the doors to residents' rooms have manual locks that require the use of a key. In addition, the Modular Housing Units' doors have dead bolt locks with the locking mechanism located on the

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<sup>23</sup> The District of Columbia FEMS, Fire Prevention Bureau uses the Fire Prevention Code and Construction Code Supplement to ensure fire safety compliance.

## KEY FINDINGS

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outside of the doors. In each location, one of the YCOs assigned to the housing unit must manually unlock the doors in order for residents to enter or exit their rooms. There is no other method for unlocking or securing the doors.

In the male housing unit, the team found only 1 set of keys for each of the 20 resident rooms in each housing unit, although there were 2 YCOs assigned to each unit. In the female housing unit, only two of the five YCOs had keys to the individual rooms. In the event of a fire emergency or disturbance, these conditions could pose a safety hazard to both youths and YSA personnel if the YCOs are unable to unlock all doors in a timely manner.

The inaccessibility of fire extinguishers, lack of quarterly fire drills, lack of posted emergency evacuation plans, and the inability to conduct adequate fire inspections may result in serious injury to youths and employees in the event of a fire emergency. Additionally, without a centrally operated system to lock and unlock doors, the failure to provide all YCOs with keys to resident rooms endangers the safety of youths and YSA employees.

A Management Alert Report (MAR 03-I-010 at Appendix 12) addressing these issues was sent to the A/YSA. A copy of the A/YSA's response to the MAR is at Appendix 13. The team will follow-up on the A/YSA's progress in correcting the problems cited in the MAR.

### Recommendations:

- a. That the A/YSA ensure that all employees have access to fire extinguishers at all times.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In response to MAR 0-I-010, the Interim A/YSA advised as follows: "YSA follows American Correctional Association ("ACA") standards pertaining to ensuring the safety and well being of its residents and staff at OHYC. To that end, all fire extinguishers are concealed in locked wall areas on each unit. The unit manager and supervisory youth correctional officer on each unit have keys to open the locked wall boxes. In order to provide additional safety measures to each housing unit, YSA will install a lock box in each of the security office's to ensure that the keys are available on the unit should a fire emergency occur."*

- b. That the A/YSA ensure that the fire extinguishers in the gymnasium are removed from the closet and re-installed on the wall mounts.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

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*In response to MAR 0-I-010, the Interim A/YSA referenced the agency's adherence to ACA standards pertaining to fire safety and further advised that "YSA cannot permit fire extinguishers to be readily available where residents can reach them as they pose a security breach and can be used as weapons."*

OIG Response: **That the A/YSA install fire extinguishers in concealed locked wall areas similar to the wall areas used in the housing units.**

- c. That the A/YSA ensure that all deficiencies cited by the FEMS Fire Prevention Bureau are abated immediately.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings.*

- d. That the A/YSA ensure that emergency evacuation plans are posted publicly in all key areas of OHYC.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In response to MAR 03-I-010, the Interim A/YSA advised that "YSA will post emergency evacuation plans in every location within the classrooms, vocational buildings, housing units, gymnasium and Administration buildings."*

- e. That the A/YSA ensure that fire drills are conducted and documented quarterly as required.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. There exists a genuine factual dispute as to whether YSA conducts and documents fire drills. In response to MAR 03-I-010, the Interim A/YSA advised as follows: "YSA conducts fire drills in all of the housing units; however, effective immediately, YSA will conduct fire drills in all of the housing units on a quarterly basis and during all three shifts. This procedure will be documented in the weekly fire inspection reports."*

- f. That the A/YSA hire a trained Health and Safety Officer or provide adequate training to the designated OHYC employee who conducts monthly fire safety inspections.

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Agree  Disagree

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In response to MAR 03-I-010, the Interim A/YSA advised that "YSA is in the process of recruiting to fill the position of Health and Safety Officer."*

- g. That the A/YSA explore the feasibility of a central locking system for all doors in the residential areas so there can be quick egress in the event of a fire or other emergency.

Agree  Disagree

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. In response to MAR 03-I-010, the Interim A/YSA advised as follows: "OHYC is a facility that is in need of many capital improvements. We have and continue to investigate the feasibility of installing electronic door releases; however, due to the physical layout of OHYC, this plan has never been feasible. In order to provide additional security measures that will allow faster evacuation of the housing units, YSA will install a lock box in the security office, and the unit manager, supervisory youth correctional officer and the officer of the day will have access to the lock box in the event that an emergency occurs."*

- h. That the A/YSA ensure that all YCOs on duty have a set of keys to all locks on the unit in order to promptly unlock doors in the event of a fire or medical emergency.

Agree  Disagree

### ***DHS's Response to IG's Recommendation, as Received:***

*In response to MAR 03-I-010, the Interim A/YSA advised that "[i]n order to provide additional security measures that will allow faster evacuation of the housing units, YSA will install a lock box in the security office, and the unit manager, supervisory youth correctional officer and the officer of the day will have access to the lock box in the event that an emergency occurs."*

OIG Response: **Actions planned and taken by YSA should adequately address the conditions noted.**

#### **14. Numerous abandoned buildings at OHYC are unsecured and vandalized.**

OHYC is located on a large parcel of land in Laurel, MD and is the former location of Forest Haven, a District-run facility for severely handicapped youths. The site contains numerous buildings once used for housing, training, and support that have been unused and

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abandoned since Forest Haven was closed in 1991. The building that served as Forest Haven's laundry still contains commercial-size laundry machines. Several of these vacant buildings have been vandalized and, in some instances, fires have been set.

Although OHYC facilities maintenance employees stated that the buildings were secure, the team was able to gain access to many of them because doors were either open or unlocked. The amount of vandalism and debris observed, such as discarded clothing and other personal items, indicates that unauthorized access to these buildings has been easy and constant.

The team also found that many of these buildings, although not in use, still have active electrical and water service that may have been operational since Forest Haven's closure in 1991 (see photos next page). For example, the team found during its daytime visit to the laundry that the fluorescent lights in the ceiling were turned on.

A Management Alert Report (MAR 03-I-013 at Appendix 14) addressing these issues was sent to the A/YSA. A copy of the A/YSA's response to the MAR is at Appendix 15.

### **Recommendations:**

- a. That the A/YSA ensure that each abandoned building at the OHYC is secured against vandalism and safety risks.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*In response to MAR 03-I-013, the Interim A/YSA advised as follows: "While your correspondence generally refers to the OHYC, YSA currently occupies only limited buildings located on the old Forest Haven site. YSA is working with the Office of Property Management ("OPM"), the Office of the Corporation Counsel ("OCC"), and fellow administrations within the Department of Human Services ("DHS") to identify which District of Columbia agency is responsible for securing abandoned buildings on the old Forest Haven site. The preliminary results of our investigation indicate that specific properties discussed in your investigation may belong to DHS's Mental Retardation and Developmental Disability Administration. The DHS Office of the Director will follow up your recommendation."*

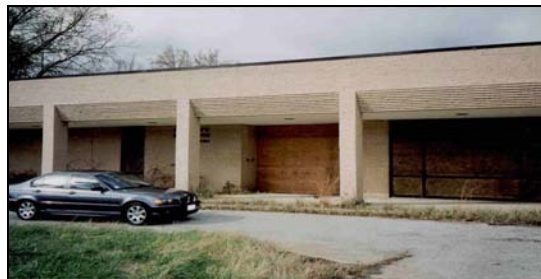
**OIG Response: That the D/DHS should ensure that all actions planned and taken adequately address the conditions noted.**

- b. That the A/YSA ensure that utility service to unused buildings is disconnected.

Agree \_\_\_\_\_ Disagree \_\_\_\_\_ **X** \_\_\_\_\_

# KEY FINDINGS

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# KEY FINDINGS



## KEY FINDINGS

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### ***DHS's Response to IG's Recommendation, as Received:***

*In response to MAR 03-I-013, the Interim A/YSA advised as follows: "YSA has learned that the Forest Haven facility was constructed prior to current water, sewer and electrical standards. YSA cannot disconnect the lights associated with the Forest Haven parcel of land because these electrical systems provide the street lighting necessary to maintain security visibility at the Spruce Cottage (also known as Unit 6 for female residents), along each street in the parcel of the land, for the OHYC Training Academy, and the Union facility. In addition, YSA must maintain water flow because it provides water to all fire hydrants on the property and serves the Woodland Job Corps, which was originally a part of this site."*

OIG Response: **Actions planned and taken by YSA should adequately address the conditions noted.**

### **15. OHYC is not reporting unusual incidents to the DHS Office of Investigations and Compliance as required.**

According to DHS, an unusual incident is defined as any significant or extraordinary event that is not routine or that differs from established procedures. Unusual incidents include, but are not limited to, sexual or physical abuse, neglect, serious or suspicious injuries, fraud, and waste<sup>24</sup>. The DHS Office of Investigations and Compliance (OIC) is responsible for recording and retaining all unusual incident reports; investigating allegations of fraud, waste, and abuse by employees and vendors of DHS; and monitoring and coordinating criminal investigations with area law enforcement agencies.

The team found that although OHYC catalogs all unusual incidents and submits reports to the OHYC Deputy Administrator for Secure Programs for internal review, employees are not forwarding the reports to OIC as required by DHS policy. OHYC recorded 1,399 unusual incidents in calendar year 2002 (the only year documented in retrievable form), but failed to report them to OIC. Employees did not give the team a clear answer as to why reports were not being forwarded. OIC employees and the Deputy Director of DHS stated that they had asked OHYC officials for the reports, but had not received them.

OHYC's failure to properly report unusual incidents as required prevents OIC from tracking and investigating unusual incidents, and prevents DHS from taking any action that might be appropriate.

### **Recommendation:**

That the A/YSA develop a system to ensure that all unusual incidents are promptly reported to DHS OIC.

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<sup>24</sup> Other examples of unusual incidents include employee and youth behavioral infractions and verbal misconduct, destruction or damage of government property, and "any other incident that would be of interest to the [DHS] Director." (DHS Policies and Procedures for Reporting Unusual Incidents, December 1998.)



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Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings.*

### **16. YSA's fiscal and asset management has many deficiencies.**

YSA's Administrative Office is responsible for managing one of the largest budgets in the District. As previously stated, YSA's FY 2003 budget was approximately \$53 million. Approximately \$21 million was expended for salaries and benefits for YSA's employees. The remaining \$32 million was paid to vendors in the following categories to provide services to youths in YSA's care.<sup>25</sup>

<b>YSA Funds Paid to Vendors – FY 2003</b>	
Supplies	\$ 1,233,416
Energy, Telephone, Rent	\$ 2,463,382
Security	\$ 526,799
Professional Services	\$ 573,983
Contracts	\$ 8,408,488
Maintenance of Persons <sup>26</sup>	\$ 18,639,141
Equipment Rental and Purchases	\$ 376,002
<b>TOTAL</b>	<b>\$ 32,221,211</b>

#### ***a. YSA's oversight of contracts has major deficiencies.***

The team reviewed a number of contracts from 1998 through 2003 and found numerous deficiencies that may be in violation of District contracting and procurement regulations. The team found that YSA:

- did not have written policies and procedures for accounting and procurement processes;
- did not provide adequate training for procurement employees;
- paid vendors and could not provide documentation of deliverables;
- exceeded funding limits stipulated in contracts;
- did not assign contract administrators;
- allowed vendors to provide services outside the scope of work stipulated in contracts;
- provided advance payments to vendors without proper authorization;
- paid vendors after the expiration of contracts;

<sup>25</sup> Youth Services Administration FY 2003 operating budget.

<sup>26</sup> This is YSA's terminology for maintenance services that include payments to youth residential facilities, medical and dental services for youth, and mentoring services for youth in the community.

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- paid a vendor twice for the same monthly invoice;
- did not produce statements of work for contracts and used vendors' technical proposals as the foundation for service agreements; and
- was unable to locate copies of several requested contracts.

The review of contracts also found that the Office of Contracting and Procurement (OCP) issued a contract as a sole source agreement without a proper "determination and finding" document to justify the sole source procurement, and did not include reporting and quality requirements in some contracts

***b. YSA was suspended from the D.C. Purchase Card program for policy violations.***

The D.C. Purchase Card Program (Program) was initiated due to the District's need for a mechanism to deal more effectively with micropurchases.<sup>27</sup> The purpose of the program is to enable agencies to quickly purchase needed goods and services and increase efficiency of District programs by reducing paperwork and administrative costs for high volume, small dollar value purchases. OCP and the Office of the Chief Financial Officer (OCFO) distribute purchase cards throughout the District government. 27 DCMR *Contracts and Procurement* permits the use of Purchase Cards.

According to OCP policies and procedures, individuals issued a purchase card must use the purchase card only for official government business directly related to the programmatic function of the cardholder's programs within the agency or administration.

Each agency is responsible for ensuring proper management and oversight of purchase card activities and must prevent waste, fraud, abuse, and mismanagement by:

- developing purchase card acquisition budgets;
- designating agency program participants in the Purchase Card Program;
- assuring that all agency participants attend and complete training;
- ensuring compliance with procurement rules and regulations; and
- prohibiting unauthorized use of purchase cards by cardholders.

The AD is also responsible for providing information and/or reports concerning the use of purchase cards within the agency and on behalf of the agency. The team requested a report listing all cardholders and purchase card transactions for FY 2001 through FY 2003 and found that:

- YSA did not generate proper reports regarding the Program;
- purchase card reports did not reconcile with reports obtained from OCP and the monthly statements supplied by the bank issuing the purchase cards;
- cardholders split purchases in violation of policies and procedures;<sup>28</sup> and

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<sup>27</sup> Small purchases valued at \$2,500 or less.

<sup>28</sup> Splitting purchases is an unauthorized practice prohibited by D.C. Code § 2-303.21 that is characterized as intentionally breaking down a known buying requirement in order to stay under the small purchase dollar

## KEY FINDINGS

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- cardholders purchased prohibited items.<sup>29</sup>

The team found that OCP repeatedly cited YSA for violating program policies and procedures and ultimately suspended several cardholder accounts in 2002.

***c. YSA is not properly monitoring inventory and warehouse operations.***

YSA manages a large warehouse operation at OHYC. The warehouse receives and distributes supplies to various YSA facilities including:

- clothing for youths;
- office supplies (paper, fax machines, etc.);
- computer equipment; and
- appliances such as washers, dryers, refrigerator, and televisions used in youth residential facilities.

Through physical observations and a review of YSA inventory reports, the team found that many of the items in the warehouse were not included on the reports. In addition, YSA does not maintain an inventory tracking system and does not conduct an annual inventory of the supplies in the warehouse. The warehouse manager stated that items often arrive at the warehouse without purchase orders or receipts, and employees remove items as needed. She also stated that she was not trained in warehouse operations.

Due to YSA's failure to follow contracting and procurement policies, procedures, and regulations and apply quality control mechanisms, District stakeholders cannot be assured that all services provided under contracts were delivered, or delivered in the most cost-effective manner. In addition, YSA's lack of proper oversight of the D.C. Purchase Card Program and the OHYC warehouse creates opportunities for theft and mismanagement of District assets.

**Recommendations:**

- a. That the A/YSA and the District's Chief Procurement Officer conduct a review and audit of all YSA contracts for FYs 2003 and 2004 to ensure compliance with District contracting and procurement regulations.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

***DHS's Response to IG's Recommendation, as Received:***

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limitations. OCP policies and procedures state that purchase cards shall only be used to buy commercially available goods and services with a value that does not exceed \$2,500 per single transaction.

<sup>29</sup> OCP policies and procedures prohibit the use of purchase cards for any of the following purchases: personal use, travel and travel related expenses, motor vehicle fuel, meals, taxicab fees, transportation costs, utility payments, cash advances or ATM withdrawals, convenience checks, purchase of alcohol or alcohol beverages, and entertainment.

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*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. The Interim A/YSA will request a review and audit of all YSA contracts for FYs 2003 and 2004 once YSA's Deputy Administrator for Support Services (Chief Administrative Officer) has been hired. YSA already has begun the process of reviewing contracts with the Agency Chief Contracting Officer.*

- b. That the A/YSA request that OCP and OCFO conduct an audit of the D.C. Purchase Card Program at YSA.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. The Interim A/YSA will request that OCP and OCFO audit the D.C. Purchase Card program once YSA's Deputy Administrator for Support Services (Chief Administrative Officer) has been hired. YSA has only one active purchase card for the agency.*

- c. That the A/YSA develop and enforce policies and procedures to ensure control and accountability of warehouse operations, and ensure that a qualified employee is in charge.

Agree \_\_\_\_\_ **X** \_\_\_\_\_ Disagree \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings.*

### **17. Deficiencies within YSA's Information Technology (IT) infrastructure may impair its ability to effectively manage day-to-day operations.**

Many of YSA's basic operations are dependent upon the Juvenile Information Management System (JIMS). JIMS is a computer database that stores confidential and time-sensitive legal, family, and treatment information for each youth currently under the supervision of YSA. YSA employees at OHYC, the Bureau of Court and Community Services (BCCS), and the Court Liaison unit (located at D.C. Superior Court) use JIMS to track youths within the District's juvenile justice system, facilitate communication, coordinate the efforts of various service providers, and record the results of various diagnostic and treatment services. Examples of vital information stored in JIMS include:

- daily status and location information for each youth at OHYC;
- legal offense histories for all youths committed to YSA;
- intake forms that detail social and family histories;
- case assignments to YSA personnel;

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- case running notes, which capture information about case-related correspondence, service requests, and each youth's progress toward treatment goals;
  - court appearance reports;
  - counseling and treatment session notes;
  - placement and transfer decisions; and
  - discharge decisions and authorizations.
- a. YSA's IT staff currently does not have the level of familiarity necessary to maintain and troubleshoot JIMS operability on a daily basis.*

Although YSA has two employees assigned to IT matters, it also contracted with an outside consultant to manage JIMS.<sup>30</sup> This consultant is responsible for JIMS user account and database maintenance, technical support, and system performance enhancement, and provides network administration, email system management, and "help desk" support. Based on the team's interviews and observations, YSA's IT consultant appears to have been performing as the de facto IT Chief for YSA.

The consultant and YSA's IT Chief both stated that they do not know who will be responsible for maintaining JIMS and other critical IT functions following the expiration of the consultant's contract in February 2004. The IT Chief stated that YSA has neither the consultant's personnel nor the technical expertise needed to assume oversight of JIMS and other specific tasks currently performed by the consultant.

The consultant stated that he has participated in several meetings attended by various D.C. government IT personnel to discuss who will provide the services he now delivers. He stated that no additional meetings have been scheduled. He further stated that if arrangements have been made to transfer oversight of JIMS to D.C. government employees or to another contractor, he has not been asked to participate in the transition process. He emphasized that a proper transfer of JIMS responsibilities, as well as other operations he currently manages, would require a thorough review process and adequate documentation of the system. The consultant voiced concerns about YSA's ability to maintain JIMS if his contract is not renewed.

JIMS is a mission-critical computer application and YSA relies heavily upon the consultant's knowledge and experience with the system. If the consultant's contract is not extended, the functionality and reliability of JIMS may be in jeopardy unless other knowledgeable IT service providers are in place.

The team found that YSA's IT staff currently does not have the level of familiarity necessary to maintain and operate JIMS on a daily basis. Without this type of expertise, YSA case managers may experience interruptions in JIMS access and difficulties in reviewing vital case information. If YSA were to experience a catastrophic failure of JIMS after the contract expires, it is unclear to the team how YSA would manage the situation, restore JIMS functionality, and preserve the integrity of YSA's data.

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<sup>30</sup> This consultant has provided services since October 1, 2002.

## KEY FINDINGS

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### ***b. JIMS cannot generate basic statistical reports.***

YSA must routinely provide the court monitors, the District's Corporation Counsel, and other parties with aggregated information about occupancy levels at OHYC, compliance data, staffing levels, and statistical information regarding services provided to each youth.

The team found that JIMS is unable to generate basic statistical reports. YSA employees responsible for compliance monitoring and policy development must manually review case files in order to collect routine information. In order to view information such as the average length of stay for detained youths, or the names of committed youths admitted to OHYC during a specific time period, YSA staff members must review individual hard copy case files, activity logs, and other documents.

The team reviewed contracts and technical specifications pertaining to the development and implementation of JIMS. The IT contractor that developed JIMS did not incorporate into YSA's software package various reporting capabilities that were referenced in the technical specifications of the contract. A review of subsequent contracts with IT service providers indicates that YSA has not been able to improve the reporting capability of JIMS.

The inability of the JIMS system to generate statistical reports impedes the tracking of routine services. YSA's inability to quickly access routine information also impacts its participation in a nationwide Performance Based Standards Project (PBS).<sup>31</sup> Additionally, the lack of adequate reporting data impedes accountability within the case management system by not giving supervisors the ability to easily monitor the thoroughness and efficiency of case managers and adherence to treatment service deadlines.

### ***c. Underutilization of JIMS creates administrative burdens for OHYC's Social Services employees.***

The YSA Case Management Manual at page 52 states that "[e]ach [OHYC] discipline providing services to the youth will complete Monthly Treatment Reports in JIM[S]."

The team found that not all departments providing services at OHYC use JIMS as required. The medical unit, mental health unit, and the Oak Hill Academy do not enter information in JIMS.<sup>32</sup> Several OHYC departments do not have basic computer access. For example, the employee responsible for coordinating recreation screenings did not have a computer, a user account on JIMS, or an email account. Furthermore, the team found that many employees had not received formal training on the system.

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<sup>31</sup> The PBS Project is an effort by the Council of Juvenile Correctional Administrators to collect information from over 100 detention and correction centers. Participation in this program is designed to develop a set of standards that individual facilities should strive to meet; create tools to help facilities achieve these standards through regular self-assessment and self-improvement; allow facilities to evaluate their performance over time and in comparison to similar facilities; and promote effective practices and help facilities support each other. As a participant, YSA must collect of a wide range of administrative and case-specific data. See [www.cjca.net](http://www.cjca.net).

<sup>32</sup> Oak Hill Academy is the educational unit at OHYC operated by the District of Columbia Public Schools.

## KEY FINDINGS

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Social Services employees at OHYC, in particular the treatment team leaders, are ultimately responsible for coordinating and ensuring the provision of all services and treatment for each youth. Due to the underutilization of JIMS, the treatment team leaders and other Social Services employees must spend a considerable amount of time each month collecting information from other departments and entering it into JIMS. This adds to their administrative burden and, more significantly, prevents the treatment team leaders from devoting more time to youths and programming.

The absence of information in JIMS also impedes communication between the various departments and creates inefficiency. For example, in order for a treatment team leader to check the status of a specific youth, he or she must telephone or visit each department to review its hard copy case file.

### **Recommendations:**

- a. That the A/YSA expedite meetings of representatives from DHS's Office of Information Systems, the District's Office of the Chief Technology Officer (OCTO), and YSA, to discuss engaging OCTO technical expertise until YSA employees can be sufficiently trained on JIMS.

Agree                        X                        Disagree                    \_\_\_\_\_

### ***DHS's Response to IG's Recommendation, as Received:***

*By agreeing with this recommendation, DHS does not necessarily agree with OIG's factual findings. YSA had contracted for JIMS technical expertise through January 2004. Beginning in December 2003, the A/YSA began working with DHS's OIS and OCTO to discuss YSA's IT deficiencies and future needs. In February 2004, OCTO took over day-to-day operations of YSA's network and worked with YSA and OCP to develop an RFP for a new contractor to support JIMS while a replacement system is developed and implemented in conjunction with DHS, YSA and OCTO.*

- b. That A/YSA give priority to ensuring that JIMS is made capable of producing all reports necessary for supporting OHYC supervision and tracking of detained and committed youths, as well as statistical information required by the court and other entities with a vested or otherwise appropriate interest in YSA operations.

Agree                    \_\_\_\_\_                    Disagree                        X    

### ***DHS's Response to IG's Recommendation, as Received:***

*YSA contracted for JIMS technical expertise through January 2004, including programming for reports. Beginning in December 2003, the A/YSA began working with DHS's OIS and OCTO to discuss YSA's IT deficiencies and future needs. Because it is based on Lotus Notes rather than more mainstream applications such as Oracle or SQL, one of JIMS's deficiencies is its lack of a broad support network. In February 2004, OCTO took over day-to-*

