

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



October 28, 2009

The Honorable Adrian M. Fenty
Mayor
District of Columbia
Mayor's Correspondence Unit, Suite 316
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

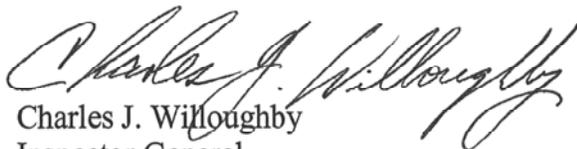
Dear Mayor Fenty:

Enclosed please find a copy of a Management Alert Report (MAR 09-I-009) issued on September 30, 2009, to the D.C. Metropolitan Police Department (MPD). The MAR addresses our finding that MPD's Youth Investigations Division (YID) is not securely maintaining investigative videotapes and case records, including confidential juvenile arrest and child abuse records. In addition, YID's building conditions may pose health concerns. MPD's response to the MAR, dated October 16, 2009, also is enclosed.

Although the OIG is conducting an ongoing special evaluation of MPD's YID for which a report will be completed later this fiscal year, we are providing this information to you now so that you are aware of the importance of the issues addressed in the MAR and the corrective actions proposed by MPD.

If you have questions, please contact Alvin Wright, Jr., Assistant Inspector General for Inspections and Evaluations, at (202) 727-2540.

Sincerely,


Charles J. Willoughby
Inspector General

CJW/ebs

Enclosures

cc: See distribution list

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DISTRICT OF COLUMBIA
OFFICE OF THE INSPECTOR GENERAL
CHARLES J. WILLOUGHBY
INSPECTOR GENERAL

INSPECTIONS AND EVALUATIONS DIVISION
MANAGEMENT ALERT REPORT

D.C. METROPOLITAN POLICE
DEPARTMENT:
YOUTH INVESTIGATIONS DIVISION

- CONFIDENTIAL INFORMATION NOT SECURE**
- BUILDING CONDITIONS MAY POSE HEALTH HAZARDS**

MAR 09-I-009

SEPTEMBER 30, 2009

Inspections and Evaluations Division
Mission Statement

The Inspections and Evaluations (I&E) Division of the Office of the Inspector General is dedicated to providing District of Columbia (D.C.) government decision makers with objective, thorough, and timely evaluations and recommendations that will assist them in achieving efficiency, effectiveness, and economy in operations and programs. I&E goals are to help ensure compliance with applicable laws, regulations, and policies, to identify accountability, recognize excellence, and promote continuous improvement in the delivery of services to D.C. residents and others who have a vested interest in the success of the city.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



September 30, 2009

Cathy L. Lanier
Chief of Police
D.C. Metropolitan Police Department
300 Indiana Avenue N.W., Room 5080
Washington, D.C. 20001

Dear Chief Lanier:

This is a Management Alert Report (MAR 09-I-009) to inform you that during our special evaluation of the Metropolitan Police Department's (MPD) Youth Investigations Division (YID), the Office of the Inspector General (OIG) determined that YID is not securely maintaining investigative videotapes and case records, including confidential juvenile arrest and child abuse records. In addition, YID's building conditions may pose health concerns. The OIG provides these reports when it believes a matter requires the immediate attention of District government officials.

Background

YID's responsibilities include conducting child physical and sexual abuse investigations, conducting investigations of missing children,¹ investigating Internet crimes against children, and processing juveniles arrested in the District.²

YID investigative case records for child physical and sexual assault cases include photographs of victims, victims' names, dates of birth, and records of medical examinations. Investigative case records for juvenile missing persons cases include the child's name and date of birth, and may include information regarding child abuse. PD 379s are police reports documenting arrests and other police contacts with juveniles, and include data fields for the juvenile's name, date of birth, and Social Security number.

¹ These investigations include parental kidnappings, which occur when a parent or other family member takes a child in violation of the custody rights of another family member.

² YID's Juvenile Processing Center is located within the Department of Youth Rehabilitation Services' Youth Services Center at 1000 Mt. Olivet Rd., N.E., Washington, D.C.

Observations

YID juvenile arrest records, child abuse investigation records and videotapes, and missing persons investigation records are not stored securely.

The U.S. Government Accountability Office (GAO) report entitled *Internal Control Management and Evaluation Tool* states that an agency should ensure that “[t]he risk of unauthorized use or loss is controlled by restricting access to resources and records only to authorized personnel.”³ D.C. Code § 16-2333(a)(2001) is part of a subchapter regarding delinquency,⁴ neglect,⁵ and “need of supervision” judicial proceedings cases and states, “Law enforcement records and files concerning a child shall not be open to public inspection nor shall their contents or existence be disclosed to the public”⁶

According to MPD’s General Order “Preservation of Potentially Discoverable Material” (GO-SPT-601.02), the MPD “is to preserve all material, which may constitute evidence, or may otherwise be pertinent in a subsequent criminal judicial proceeding.” This General Order provides that potentially discoverable material includes reports, documents, and videotapes and they shall be maintained in secure file cabinets.⁷

The OIG observed more than 75 boxes of physical and sexual abuse case records in an unlocked, unattended room while touring the facility⁸ with a YID manager (see Attachment 1). The manager confirmed that these boxes contained physical and sexual abuse case records, as indicated by the labels on the boxes.⁹ An OIG inspector also observed an unlocked, cluttered closet that contained boxes of missing persons case records, and boxes and a bag of documents that a YID staff member stated were sexual abuse case records (see Attachment 2). In addition, more than 45 boxes of videotapes were observed in an unlocked room and hallway in the basement. According to a YID manager, the videotapes pertain to abuse investigations and could contain interviews with victims and suspects. Although the videotapes pertained to closed cases, the manager added that they may be needed as evidence if there is another case involving the same family.

The YID manager who confirmed to the inspector that an unlocked cabinet contained PD 379s, including juvenile arrest records, also stated that juvenile arrest forms have a data field for the juvenile’s Social Security number and that one of the forms examined in the cabinet contained a juvenile’s Social Security number. These records were in another unlocked, unattended room.

³ GOVERNMENT ACCOUNTABILITY OFFICE, INTERNAL CONTROL MANAGEMENT AND EVALUATION TOOL, GAO-01-1008G, 42 (Aug. 2001).

⁴ D.C. Code §§ 16-2301(6) and (7) state that a “delinquent child” is one who has committed an offense according to District, state, or federal law and is in need of care or rehabilitation.

⁵ D.C. Code § 16-2301(9) defines a “neglected child” to include a child who has been abandoned or abused by a parent or guardian or who has received negligent treatment.

⁶ According to D.C. Code § 16-2301(3), a “child” is a person under the age of 18.

⁷ A YID manager stated that files for physical and sexual abuse cases contain potentially discoverable material, and that investigative records for missing persons cases that involve criminal activity also include discoverable material.

⁸ The facility is located at 1700 Rhode Island Ave., N.E., Washington, D.C.

⁹ The inspector relied on YID staff to determine whether records were related to child abuse cases and juvenile arrests because, due to privacy laws, the OIG does not have access to these records.

The inspector observed that some juvenile missing persons case records that YID prepared for scanning and archiving did not have adequate documentation that they had been properly closed. Specifically, the inspector reviewed 38 parental kidnapping case files with dates from 1991 through 2008 with a YID manager, who stated that 12 of the cases lacked a completed PD Form 252 to properly document case closure. The manager stated that the six cases from 2008 should be in the missing persons office and not in the basement for scanning and archiving. According to this manager, one missing persons case reviewed had information regarding child abuse and contained the victim's name.

Interviewees stated that beginning in March 2009, YID had reorganized and reviewed old missing persons cases to ensure that they had been closed correctly. Interviewees stated that previously, case records in the missing persons office had been disorganized, and some lacked proper documentation of closure. However, a YID manager stated that YID had not reviewed missing persons cases stored in an office area of the basement, which the OIG inspector observed contained eight file cabinets and boxes of missing persons records (see Attachment 3).

A YID manager stated that visitors to the YID facility are escorted by MPD staff, and include building maintenance workers as well as victims, suspects, and case witnesses. This manager added that the cleaning crew for the building is unescorted, but they work during the day while YID employees are in the building. The OIG inspector observed a Summer Youth Employment Program participant working in an office area that contained juvenile arrest records, and a copier technician (who appeared to be unescorted in one office area) stated he/she would also be working on another floor.

According to a YID senior manager, YID does not have adequate storage space to secure all records and is in the process of scanning boxes of old records and archiving them off-site at the Federal Records Center in Suitland, Maryland. The senior manager stated that there was no reason to secure missing persons records because the public is permitted to access them. The manager acknowledged that physical and sexual abuse records should be secured. Another manager indicated that it may be feasible to install locks to secure YID records and provide keys to all employees who need access to the records.

Building conditions at 1700 Rhode Island Ave., N.E. may pose health hazards.

Possible Asbestos-Containing Material in Poor Condition

Title 7 DCMR § 2009.1 states: "Employees have a right, to the maximum extent possible, to a safe and healthful working environment." According to the U.S. Environmental Protection Agency (EPA), when asbestos-containing materials are damaged or disturbed and become airborne, the fibers can be inhaled into the lungs.¹⁰ Continued exposure to asbestos can increase one's risk of developing serious diseases such as lung cancer.¹¹ Building materials that contain

¹⁰ U.S. EPA, <http://www.epa.gov/asbestos/index.html> (last visited Sept. 9, 2009).

¹¹ U.S. EPA, <http://www.epa.gov/asbestos/pubs/help.html> (last visited Sept. 9, 2009).

asbestos can include “floor coverings and ceiling tile . . . [and] pipe and boiler insulation”¹² A visual inspection is inadequate to identify asbestos, and laboratory analysis of samples of suspected asbestos-containing material (ACM) is required to identify asbestos. The EPA states that initial building inspections should be “performed to locate and assess the condition of all ACM” by a qualified inspector able to take samples of suspect material.¹³ According to the EPA, damaged ACM requires abatement, and periodic visual re-inspections should take place to detect ACM in poor condition.¹⁴

The OIG inspector observed materials that may contain asbestos, such as floor tiles broken into small pieces and degraded pipe insulation, in the basement of YID. The inspector observed that the areas with degraded pipe insulation included a locker room, an office area, and storage areas (see Attachments 4 and 5). The inspector also observed damage to a storage room ceiling with peeling paint.

YID managers were unaware if asbestos testing was conducted anywhere in the building other than in one office suite on the first floor during repairs. Shortly after the inspector informed YID management that the basement may contain asbestos hazards, a YID manager stated that YID had requested that the Department of Real Estate Services (DRES) test the entire YID building for asbestos.¹⁵ This manager did not know when the testing would take place.

Evidence of Rodent Infestation and Potential Safety Code Violation

According to the Centers for Disease Control and Prevention (CDC), rats and mice spread diseases, and germs found in rodent droppings and urine can be inhaled. An interviewee stated that the building had been infested with rodents, and about 20 dead rats had been found. A YID manager stated that there had been no recent complaints about rodents; however, the OIG inspector observed what appeared to be rodent droppings in a closet on the third floor (see Attachment 6). According to the YID manager, employees had health concerns about the lack of cleanliness of the building’s carpet. This manager stated that the building used to have mice, and the carpet has never been cleaned or replaced. This manager stated that the MPD was attempting to find funds to replace the carpet.

Finally, the OIG inspector observed boxes (contents unknown) in a small room in the basement with electrical circuits or fuse boxes. A manager stated that YID was informed by a building management employee that this practice was a code violation, but YID had nowhere to put the boxes. The YID manager stated that he/she did not know which code provision this condition violated.

¹² ENVIRONMENTAL PROTECTION AGENCY, MANAGING ASBESTOS IN PLACE: A BUILDING OWNER’S GUIDE TO OPERATIONS AND MAINTENANCE PROGRAMS FOR ASBESTOS-CONTAINING MATERIALS, 20T-2003, 3 (July 1990).

¹³ *Id.* at 7.

¹⁴ *Id.* at 8 and 14.

¹⁵ YID also works with the MPD’s building management unit. A YID manager stated that the distinction between the responsibilities of MPD’s building management unit and those of DRES is not clear to YID.

Recommendations

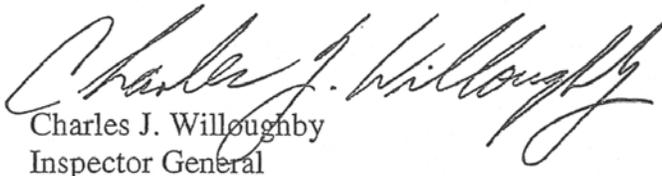
The conditions cited above create risks regarding confidentiality, security of evidence, and employee health. Accordingly, the OIG recommends placing a high priority on the following actions:

1. That the Chief of Police ensure that YID records and interview videotapes are stored securely.
2. That the Chief of Police direct that all juvenile missing persons case records for cases categorized as closed, including those stored in the YID basement, be reviewed to ensure proper documentation and organization.
3. That the Chief of Police and Director of DRES ensure that the YID building is inspected thoroughly to determine if asbestos abatement is required, and that periodic re-inspections are conducted if ACM is found.
4. That the Chief of Police ensure the YID building is thoroughly assessed for other conditions that may pose health risks and that all such conditions are abated.

Please provide your comments on this MAR by October 16, 2009. Your response should include actions taken or planned, dates for completion of planned actions, and reasons for any disagreements with the concerns and recommendations presented. Please distribute this MAR only to those who will be directly involved in preparing your response.

Should you have any questions prior to preparing your response, please contact [REDACTED] Director of Planning and Inspections, at [REDACTED].

Sincerely,



Charles J. Willoughby
Inspector General

CJW/klb

cc: Mr. Neil O. Albert, City Administrator and Deputy Mayor
The Honorable Vincent C. Gray, Chairman, Council of the District of Columbia
The Honorable Mary M. Cheh, Chairperson, Committee on Government Operations and the Environment
The Honorable Phil Mendelson, Chairperson, Committee on Public Safety and the Judiciary
Ms. Robin-Eve Jasper, Director, Department of Real Estate Services

Attachment 1: Boxes of Videotapes (Far Wall) and Case Records from Child Abuse Investigations (Left Wall, Table) in the Basement of YID



Attachment 2: Sexual Abuse Case Records in an Unlocked Closet in YID



Attachment 3: Missing Persons Records in the Basement of YID



Attachment 4: Damaged Floor Tiles in a YID Basement Storage Room



Attachment 5: Degraded Pipe Insulation in a YID Basement Locker Room



Attachment 6: Rodent Droppings in an Unlocked Third Floor Closet Containing YID
Investigation Records





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District of Columbia**

Office of the Inspector General

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT

OCT 16 2009

Charles J. Willoughby, Inspector General
Office of the Inspector General
Government of the District of Columbia
717 14th Street, NW 5th Floor
Washington, DC 20005

Dear Mr. Willoughby:

The Metropolitan Police Department (MPD) is in receipt of the Management Alert Report (MAR 09-U-009) outlining the issues uncovered during your evaluation of our Youth Investigations Division (YID). This letter will serve as our comments on your document.

Let me first thank you for providing MPD the opportunity to correct the deficiencies found during your review. The Metropolitan Police Department takes these forms of security and health issues very seriously, especially in the realm of investigations involving juveniles.

Please find attached the respective comments regarding the specific recommendations proffered in your MAR. I have instructed our Office of Risk Management (ORM) to conduct a follow up inspection to ensure that the promised remedies are being carried out. Should you have any further questions or comments, please feel free to contact Inspector [REDACTED], Director, ORM on [REDACTED], or me on 202-727-4218.

Sincerely,


Cathy L. Lanier
Chief of Police

Attachment



Metropolitan Police Department
Investigative Services Bureau



October 13, 2009

MEMORANDUM

TO: Chief of Police
Executive Office of the Chief of Police

SUBJECT: Office of the Inspector General Management Alert, Youth Investigations
Division IQs 410048 and 412579

Attached for your review is a follow up report from the Commander of Youth Investigations Division in regard to the evaluation performed by the Office of the Inspector General. This report from the Office of the Inspector General contained four recommendations:

1. *That the Chief of Police ensure that YID records and interview videotapes are stored securely.* In regard to this recommendation, Youth Investigations Division has already began a process to scan and store abuse cases electronically. It is anticipated that in the near future hard copies will be transferred to storage in Suitland, Maryland. The Commander of Youth Investigations Division has initiated action to ensure that all video-tapes are boxed and prepared with this storage, while out of date files will be destroyed. Additional measures will be taken to secure areas where files are stored.
2. *That the Chief of Police direct that all juvenile missing persons case records for cases categorized as closed, including those stored in the YID basement, be reviewed to ensure proper documentation and organization.* In regard to this recommendation, the Youth Investigations Division is in the process of reviewing all closed missing person cases for completeness and accuracy. This process has been completed for all for 2009 and 2008 cases located in the Missing Person Office. The case files previously located in the basement of the facility are currently being sorted by year. Once this is complete all of these cases will be reviewed, beginning with the most recent cases. These cases will be recorded, scanned electronically, and appropriately boxed to be filed at the Suitland, Maryland facility.
3. *That the Chief of Police and Director of DRES ensure that the YID building is inspected thoroughly to determine if asbestos abatement is required, and that periodic re-inspections are conducted if ACM is found.* In response to this recommendation, on October 5th, 2009, a building inspection was conducted with the Director of Facilities Management and Department of Real Estate Services. As a result of this inspection an action plan and work orders were created to test for asbestos.

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OFFICE OF THE
CHIEF OF POLICE

4. *That the Chief of Police ensure the YID building is thoroughly assessed for other conditions that may pose health risks and that all such conditions are abated. As the result of the walkthrough on October 5th, 2009, an action plan and work orders were created to resolve water leaks and pest control.*



Peter J. Newsham
Assistant Chief of Police