



Commonwealth of Massachusetts
Office of the State Auditor
Suzanne M. Bump

Making government work better

Official Audit Report – Issued March 14, 2022

Department of Youth Services

For the period July 1, 2017 through June 30, 2019





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Acting Commissioner Cecely A. Reardon
Department of Youth Services
600 Washington Street, Fourth Floor
Boston, MA 02111

Dear Acting Commissioner Reardon:

I am pleased to provide this performance audit of the Department of Youth Services. This report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, July 1, 2017 through June 30, 2019. My audit staff discussed the contents of this report with management of the agency, whose comments are reflected in this report.

I would also like to express my appreciation to the Department of Youth Services for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMBump".

Suzanne M. Bump
Auditor of the Commonwealth

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LIST OF ABBREVIATIONS

CMP	case management plan
DCF	Department of Children and Families
DYS	Department of Youth Services
EOHHS	Executive Office of Health and Human Services
HR	human resources
IT	information technology
JJEMS	Juvenile Justice Enterprise Management System
OSA	Office of the State Auditor
YLS/CMI	Youth Level of Service / Case Management Inventory

EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Department of Youth Services (DYS) for the period July 1, 2017 through June 30, 2019. The purpose of this audit was to determine whether DYS caseworkers met with their assigned youths with a frequency and method that were in accordance with applicable policies in the *DYS Case Management Practice and Procedure Manual*, whether DYS assigned caseloads in accordance with the recommended caseload standards of the Child Welfare League of America, whether DYS administered a gang training program for its employees in accordance with the United States Department of Justice Office of Juvenile Justice and Delinquency Prevention’s “Best Practices to Address Community Gang Problems,” and whether DYS prevented the reoccurrence of abuse and/or neglect of youths in its care or custody in accordance with Section 4.47 of Title 110 of the Code of Massachusetts Regulations.

Below is a summary of our findings and recommendations, with links to each page listed.

Finding 1 Page 9	DYS had not established a maximum caseworker caseload threshold to monitor caseworkers’ caseloads.
Recommendation Page 9	DYS should establish written policies and procedures for assigning, managing, and monitoring caseworker caseloads that ensure that, to the extent possible, its caseworkers manage 12 to 15 cases at a time.
Finding 2 Page 11	DYS did not always revoke terminated employees’ user access in its case management system in a timely manner.
Recommendation Page 12	DYS should amend its policies and procedures to require that its Human Resources Department notify the Executive Office of Health and Human Services’ Information Technology Department immediately when an employee has been terminated.

OVERVIEW OF AUDITED ENTITY

Under Chapter 18A of the Massachusetts General Laws, the Department of Youth Services (DYS), within the Executive Office of Health and Human Services, is the Commonwealth's juvenile justice agency, which provides educational, psychological, and health services to juvenile offenders. During the audit period, DHS served 1,606 committed¹ youths and had 2,167 detention admissions and 1,934 overnight arrest admissions.

DYS has six regional locations across Massachusetts, located at 600 Washington Street, Fourth Floor, in Boston (the Central Office); 288 Lyman Street in Westborough (the Central Region office); 425 Harvard Street in Dorchester (the Metro Region office); 33 Gregory Street in Middleton (the Northeast Region office); 60 Hodges Avenue in Taunton (the Southeast Region office); and 280 Tinkham Road in Springfield (the Western Region office).

As of June 30, 2019, DHS had 837 full-time state employees, more than 80% of whom were employed in a direct-care role, and there were 443 provider staff members employed in residential programs run by DHS providers. In fiscal years 2018 and 2019, DHS's annual appropriations were approximately \$180 million and \$178 million, respectively.

DYS Program Services

DYS-detained and DHS-committed youths are served by the following state- and provider-operated programs:

- forty-three residential programs, including staff-secure and hardware-secure programs,² that provide educational, vocational, recreational, clinical, medical, and behavioral-health services, including mental and substance abuse treatment
- three reception centers that provide community-based services for detained youths who present lower risk profiles
- three independent-living programs that provide residential and community services to older youths whose aftercare is designed around independent living

1. DHS refers to detained youths (those who are awaiting trial) as youths in its care and to committed youths (those who have been convicted) as youths in its custody.

2. Staff-secure programs, in which staff members monitor youths' behavior to prevent them from leaving, provide services to youths who have been committed for minor violations. Hardware-secure programs, which use physical means such as locked doors to prevent youths from leaving, provide services to youths who have been committed for serious violations.

- twenty-one district offices that provide case management, community services, and daily supervision for up to 250 youths who are living with parents, guardians, or foster parents or in transitional living programs
- nine overnight arrest programs that serve the short-term overnight needs of local police departments by providing overnight accommodations for youths arrested during evenings and weekends, pending their initial court appearances

DYS also offers the Youth Engaged in Services program. This program, according to the DYS fiscal year 2019 annual report, provides “voluntary, post-discharge transition services to all committed youth discharged at 18 and all youthful offenders discharged at 21.”

Youth Level of Service / Case Management Inventory

The Youth Level of Service / Case Management Inventory (YLS/CMI) is a risk assessment tool that DYS uses to assess a youth’s level of risk of reoffending and how much supervision the youth will need for a seamless transition back into the community. YLS/CMI results help DYS caseworkers develop case management plans (CMPs) for each of their assigned youths, since such plans include services a youth needs to mitigate the risk of reoffending. According to the *DYS Case Management Practice and Procedure Manual*, a CMP has one of four risk levels, as determined by the youth’s score on the YLS/CMI: (1) “very high,” (2) “high,” (3) “moderate,” and (4) “low.”

Levels of Community Supervision

Levels of Community Supervision is a classification used in conjunction with the YLS/CMI to classify youths in DYS custody according to their levels of risk of reoffending and determine the level of supervision they will need for a seamless transition back into their communities. These scores are reassessed at least every six months and use the four risk levels of the YLS/CMI to categorize three levels of supervision. According to *DYS’s Case Management Practice and Procedure Manual*, a YLS/CMI score of “very high” or “high” corresponds to Level 3, a score of “moderate” corresponds to Level 2, and a score of “low” corresponds to Level 1.

CMPs

CMPs contain services and activities related to the individual needs of each youth who has been assigned to a DYS caseworker. A CMP is submitted two weeks before the release date of a youth in DYS custody and contains the youth’s YLS/CMI risk level. A DYS caseworker completes 30-, 60-, and 90-day Community Re-entry Reviews, which are reviews of how a youth is progressing back into the community

and is discussed with both the youth and the youth's family. After these Community Re-entry Reviews, the youth's caseworker continues to review the CMP with the youth and the family each month until the youth is no longer in DYS custody.

Internal Reviews and Investigations of Child Abuse and/or Neglect

Section 51A(a) of Chapter 119 of the General Laws requires mandated reporters to immediately report to the state Department of Children and Families (DCF) when they have reasonable cause to believe that a child under the age of 18 has experienced emotional or physical injury as a result of abuse and/or neglect. DCF uses these reports, called 51A reports, to gather sufficient evidence to evaluate each allegation to assess the safety of the child/ren.

When DCF determines that a 51A report is to be screened out, no further investigation is required. DCF notifies the responsible state agency within two working days of its decision and closes the report.

DCF determines that a 51A report is to be screened in if the findings meet DCF's criteria for suspected child abuse and/or neglect, pursuant to DCF Policy 85-005, "51A Investigations in Certain Institutional Settings." Pursuant to Section 51B of Chapter 119 of the General Laws, DCF then conducts an investigation called a 51B investigation and takes follow-up actions (and/or recommends such actions to the responsible state agency).

DCF either supports or unsupports suspected child abuse and/or neglect after completing a 51B investigation. "Support" means that DCF has decided it has reasonable cause to believe that the abuse and/or neglect occurred. "Unsupport" means that DCF has decided it has no reasonable cause to believe that the abuse and/or neglect occurred.

Juvenile Justice Enterprise Management System

The Juvenile Justice Enterprise Management System (JJEMS) is a case management system designed for DYS to provide comprehensive youth-centered information and reports about youths in its care and custody. DYS caseworkers provide updates on meetings in JJEMS to document the progress of their assigned youths.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Department of Youth Services (DYS) for the period July 1, 2017 through June 30, 2019.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Did caseworkers meet with each of their assigned youths with a frequency and method that are in accordance with applicable policies in the <i>DYS Case Management Practice and Procedure Manual</i> ?	Yes
2. Did DHS assign a maximum of 15 caseloads to each of its caseworkers?	No; see Finding 1
3. Did DHS administer a gang training program for its newly hired employees in accordance with the United States Department of Justice Office of Juvenile Justice and Delinquency Prevention's "Best Practices to Address Community Gang Problems"?	Yes
4. Did DHS take adequate steps to prevent the reoccurrence of all supported 51B reports of abuse and/or neglect of youths in its care and custody in accordance with Section 4.47 of Title 110 of the Code of Massachusetts Regulations?	Partially; see Other Matters

Additionally, DHS did not always revoke terminated employees' user access in a timely manner ([Finding 2](#)).

To achieve our audit objectives, we gained an understanding of the internal control environment we determined to be relevant to the objectives by conducting site visits and inquiries with DHS officials and by reviewing DHS's internal control plan and applicable agency policies and procedures.

We reviewed and tested the operating effectiveness of internal controls related to the monitoring of basic training attendance for DYS's gang training program. Specifically, we performed control testing to verify that attendance sheets were signed by all DYS employees and DYS vendor employees hired during the audit period and then reviewed by DYS's gang training instructor.

To obtain sufficient, appropriate evidence to address our audit objectives, we conducted further audit testing as described below.

Caseworker Meetings

To determine whether DYS caseworkers met with their assigned youths in accordance with DYS policies and procedures, we selected a random, statistical sample of 60 youth-weeks³ from an estimated total population of 48,036 youth-weeks during the audit period for youths who were scored as "moderate," "high," or "very high" risk according to their assessed Youth Level of Service / Case Management Inventory (YLS/CMI) risk levels. We also selected a second random, statistical sample of 60 youth-months from an estimated total population of 3,030 youth-months⁴ during the audit period for youths who were scored as "low" risk according to their assessed YLS/CMI risk levels.

To determine whether caseworkers met with their assigned youths according to DYS policy, we selected two random, statistical samples as discussed above. Caseworker meeting requirements vary depending on youths' YLS/CMI risk levels: youths assessed as "moderate," "high," or "very high" risk require two to three weekly contacts with their assigned caseworkers, and those assessed as "low" risk require at least one monthly contact with their assigned caseworkers. Therefore, we took one sample for each of these groups and reviewed DYS's placement log to determine the physical location of each youth during the sampled week or month. To determine whether youths aged out⁵ of DYS, we reviewed their dates of birth and verified them using independent court documents. We then reviewed the case management notes in the Juvenile Justice Enterprise Management System (JJEMS) to determine whether caseworkers met with their assigned youths in accordance with DYS policy.

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3. A youth-week is a seven-day period in which a caseworker visits with an assigned youth. The number of visits depends on the youth's risk level.
 4. A youth-month is a 30-day period in which a caseworker must have at least one visit with an assigned youth.
 5. "Aged out" means having reached a certain age (which varies with the type of offense) and no longer being required to be in DYS's care and custody.

Caseworker Caseloads

To determine the size of the caseload for each DYS caseworker, we reviewed all caseloads for each of the 93 caseworkers DYS employed during the audit period. For each caseworker, we analyzed the number of youths assigned for every month of the audit period. Based on interviews with DYS officials who stated that 12 to 15 cases per caseworker was a reasonable caseload for caseworkers, we determined that each caseworker should have been assigned a maximum of 15 cases. We excluded some cases from our review when a youth was temporarily reassigned to another caseworker, e.g., a caseworker was on vacation. We also excluded youths who were assigned to a caseworker for two weeks or less.

Gang Training Program

To determine whether DYS administered a gang training program during the audit period for its employees and its vendors' employees in accordance with best practices, we selected a random, statistical sample of 40 newly hired employees from a total population of 1,158. We then obtained the gang training materials DYS used as part of its basic training for newly hired employees and examined their certificates as evidence of their gang training attendance and completion.

Follow-up Actions for Supported Reports of Abuse and/or Neglect

To determine whether DYS took adequate steps to prevent the reoccurrence of all supported reports of abuse and/or neglect of youths in its care and custody in accordance with state regulations, we initially obtained all 51A and 51B reports from the Department of Children and Families (DCF) that involved youths in DYS care and custody during the audit period. We then obtained 134 unique⁶ 51A reports from DYS to ensure that we had received all reports that involved youths in DYS care and custody during the audit period.

From the 51A reports we received from DCF, we selected all screened-in 51A reports and all of the corresponding supported 51B reports where DCF had determined that it had reasonable cause to believe that the abuse and/or neglect occurred. We then reviewed any follow-up action plans that were listed in the 51B reports, as well as evidence of their implementation from DYS. We also requested and

6. Multiple mandated reporters can file individual 51A reports for the same incident. DCF combines such reports to conduct one investigation into any one incident. Therefore, for the purpose of our testing, if multiple 51A reports were filed for the same incident, we counted them as one unique report.

examined evidence of any internal investigations or additional actions by DYS that would prevent reoccurrence of abuse and/or neglect of youths in its care and custody.

Data Reliability

To gain an understanding of JJEMS and its controls, we interviewed information technology (IT) personnel who were responsible for oversight of the system. To assess the reliability of the data in the system, we tested the following general IT controls: security management, access controls, configuration management, contingency planning, and segregation of duties. Further, we tested automated and manual application controls in JJEMS that were relevant to our audit objectives. In addition, we selected a random sample of 20 committed youths in DYS custody and verified their full names, identification numbers, dates of birth, and home regions from the original source documents. We could not determine the exact number of caseworker meetings held during the audit period because some youths in DYS custody were transferred into and out of residential treatment facilities and/or houses of correction and others were released to police custody for court hearings or could have aged out of DYS; DYS was not required to meet with those who had been released. Based on the procedures performed, with the exception noted in [Finding 2](#), we determined the JJEMS data were sufficiently reliable for the purposes of our audit.

We assessed the completeness and accuracy of the 51A reports obtained from DYS Investigation Unit personnel's emails by tracing the 51A report identification numbers to 51A reports received from DCF. We determined that the population of 51A reports received from DYS was sufficiently reliable for the purposes of our audit.

We assessed the completeness and accuracy of the list of newly hired DYS employees by comparing it to a report from the Human Resources Compensation Management System (a tool state employees use to enter their timesheets and access other human resources functions) that listed all DYS employees during the audit period. We also tested for duplicate and missing data and obtained the reconciliation from DYS for any noted discrepancies. We determined that the population of newly hired DYS employees received from DYS was sufficiently reliable for the purposes of our audit.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Department of Youth Services had not established a maximum caseworker caseload threshold to monitor caseworkers' caseloads.

During our audit period, the Department of Youth Services (DYS) had not established a maximum caseworker caseload threshold to use to monitor caseworkers' caseloads to ensure that caseworkers could meet all of their responsibilities for supervising youths. As a result, 28 of the 93 caseworkers who worked at DHS during the audit period were at times assigned numbers of cases that exceeded the maximum 15 cases caseworkers should manage. Twenty-six of these 28 caseworkers each managed more than 15 cases for 1 to 12 months, and 2 caseworkers each managed more than 15 cases for 13 to 24 months. One of the 28 caseworkers was assigned to many as 33 cases at one time during the audit period. Excessive caseworker caseloads can result in poor-quality services.

Authoritative Guidance

DYS officials told us that 12 to 15 cases per caseworker was a reasonable caseload for its caseworkers.

Reasons for Issue

DYS did not have any written policies or procedures including a monitoring component for caseworker caseloads.

Recommendation

DYS should establish written policies and procedures for assigning, managing, and monitoring caseworker caseloads that ensure that, to the extent possible, its caseworkers manage 12 to 15 cases at a time.

Auditee's Response

DYS does not agree with this finding. DHS prioritizes ensuring manageable caseloads for its caseworkers. DHS recognizes that manageable caseloads allow caseworkers to effectively support each youth on their caseload, connect them with necessary services and manage their risks and needs to allow for both a smooth transition into the community and effective support and supervision of the youth while in the community.

Currently, DHS caseworkers have an average caseload of 8 youth. During the Audit period, DHS caseworkers had an average caseload of 5–7 youth. While there were times during the Audit period where 18 of 93 DHS caseworkers did have a caseload of more than 15 youths, this was

generally due to short periods of case reassignments where a caseworker was covering for another caseworker during vacation. [DYS data shows only 18 caseworkers had caseloads of more than 15 youth during the audit period, not 28. DHS was unable to verify the data the Auditor believes shows 28 caseworkers had caseloads over 15 youth. DHS has requested the data on multiple occasions to support the Office of the State Auditor's findings, but it has not been provided.] This accounts for fewer than 20% of caseworkers for a temporary period of time. DHS has determined this is the most effective approach to cover for staff vacations and maintain continuous access to case management for all DHS youth who receive case management.

The Auditor maintains that DHS caseworkers should have a caseload of no more than 15:1. Although DHS generally meets—and indeed generally exceeds this standard—DHS wants to point out that there is no recognized best practice standard for juvenile justice caseworker caseloads.

Auditor's Reply

DYS states that it “prioritizes ensuring manageable caseloads for its caseworkers.” However, we question this assertion because, during our audit, we found that DHS did not routinely monitor all caseworker caseloads and had not established a maximum caseload threshold for its caseworkers. In the Office of the State Auditor's (OSA's) opinion, these actions would be essential components of ensuring manageable caseloads for its caseworkers.

DYS asserts in its response that during the audit period its “caseworkers had an average caseload of 5–7 youth.” However, DHS also states that during the audit period, 18 of its 93 caseworkers had caseloads of more than 15 youths, generally for short periods while one caseworker covered for another. OSA cannot comment on the accuracy of DHS's calculation because our testing in this area did not involve calculating an average caseload for caseworkers. Simply calculating an average caseload amount for all caseworkers during the audit period would not have been useful to OSA in assessing DHS's caseworker caseload management, because it would not enable us to identify any issues (e.g., significant increases in caseloads for extended periods) that might have occurred during the audit period. Our analysis involved determining the actual number of youths assigned to each caseworker during each month of our audit period. In performing our analysis, we excluded all instances where we determined that a youth was temporarily reassigned from one caseworker to another, or assigned to a caseworker for two weeks or less, during any month of the audit period. As noted above, 26 caseworkers each managed more than 15 cases for 1 to 12 months, and 2 caseworkers each managed more than 15 cases for 13 to 24 months.

In its response, DYS asserts that OSA did not give it the data we used to support our audit findings. This is inaccurate. During our audit, we gave DYS the list of caseworkers who exceeded the recommended caseload amounts, as well as the methodology for our analysis.

As mentioned above, DYS had not established any caseload standards for its caseworkers that we could use in our testing; therefore, we asked DYS officials what they believed was a reasonable caseload for its caseworkers. In response, they told us that 12 to 15 cases per caseworker was a reasonable range. This is the range we used in our analysis.

2. DYS did not always revoke terminated employees' user access to its case management system in a timely manner.

During the audit period, DYS did not ensure that user access to its case management system, the Juvenile Justice Enterprise Management System (JJEMS), was revoked immediately, or within 24 business hours, when DYS's or its vendors' employees were terminated. Specifically, 311 terminated JJEMS users did not have their user access revoked in a timely manner. The time it took to revoke terminated users' access to JJEMS ranged from 3 to 2,341 business days after their termination dates. As a result, JJEMS information could have been vulnerable to unauthorized access, including youths' personal health information and personally identifiable information.

Authoritative Guidance

Sections 6.1.6 through 6.1.6.2.1 of the Executive Office of Technology Services and Security's Enterprise Security Office Access Management Standard IS.003 state that all Commonwealth executive offices and agencies must ensure that security administration personnel (in this case, the Information Technology [IT] Department of the Executive Office of Health and Human Services [EOHHS]) are informed when an employee is terminated so they can revoke user access within 24 business hours.

Reasons for Issue

To terminate a system user's access to JJEMS, DYS's Human Resources (HR) Department must notify EOHHS's IT Department when the user's employment has been terminated so that EOHHS, which supports JJEMS for DYS, can update its system information to reflect this change. However, DYS's policies and procedures do not establish a timeframe by which its HR Department must notify EOHHS of any changes in an employee's status that would warrant the revocation of the employee's JJEMS access.

Recommendation

DYS should amend its policies and procedures to require that its HR Department notify EOHHS's IT Department immediately when an employee has been terminated.

Auditee's Response

In 2016, the Department of Youth Services (DYS), together with the Executive Office of Health and Human Services (EOHHS), undertook to deactivate the Juvenile Justice Enterprise Management System (JJEMS) [DYS's electronic case management system of youth in its care and custody] accounts of all users who no longer worked for DHS or a DHS contracted provider agency. This effort required assistance from EOHHS because it manages the Virtual Gateway (VG) and access to JJEMS is only available to individuals who have access to the VG. The completion of this effort, which occurred during the audit period, culminated in the deactivation of dormant accounts but as noted by the state audit team, not within the 24 business hours contemplated by Sections 6.1.6–6.1.6.21 of the Executive Office of Technology Services and Security's "Enterprise Security Office Access Management Standard." [DYS notes that the Executive Office of Technology Services and Security was established on August 7, 2017 and published its handbook of Enterprise Information Security Policies Standards on October 5, 2018, during the audit period.] The comprehensive process DHS undertook with EOHHS, however, allowed it [to] close all user accounts for individuals whose employment had ceased as well as identify isolated cases where significantly more time had elapsed and remove those former employees.

At the same time, the Department also recognized the need for stronger internal controls to better manage the timely deactivation of former employee JJEMS accounts particularly when more than 50% of the JJEMS users are contracted provider employees. This was accomplished by the Department implementing the following ongoing processes for tracking and modifying access to JJEMS accounts:

- 1. In 2016, DHS added a review component to the URF (User Request Form) process used to create and disable JJEMS accounts. For state employees, the Department's human resources staff and JJEMS staff (JJEMS Regional Administrators or JRAs) are working with state managers, at the time of hire or separation of employment, to ensure that URFs are timely and accurately completed before sending them to the VG team at the EOHHS to process. For contracted provider employees, the provider's employee designated VG Access Administrator is responsible for ensuring the URF is timely and accurately completed before forwarding it to a shared mailbox for a second review by a JRA who then sends it to the VG team to process.*
- 2. In 2020, DHS added to its contracts with providers a requirement that the contracted provider notify DHS and the EOHHS VG team within one business day of any change in the employment status of its employees.*

3. *Since 2017, the JRAs have been sending a monthly list of JJEMS users to state and provider program managers to review and report back any changes to the list due to new hires or terminations.*
4. *DYS is implementing a formal quarterly quality assurance process established in 2021 that includes the review of personnel and staffing changes.*

All four of these measures are improving the Department's ability to get the JJEMS accounts of terminated state and provider employees deactivated in a timely manner.

Auditor's Reply

Based on its response, DYS is taking measures to address our concerns on this matter.

OTHER MATTERS

The Department of Youth Services should take measures to more effectively manage its 51B report resolution process.

According to Section 4.47 of Title 110 of the Code of Massachusetts Regulations,

[The Department of Youth Services (DYS)] will be responsible for any further action to ensure that adequate steps have been or will be taken to prevent reoccurrence of incidents of abuse and/or neglect of children in the institution [where the incident occurred].

During our audit period, there were 27 supported 51B reports of neglect and/or abuse of youths in DYS's care or custody. Within these 27 reports were 11 incidents of physical abuse of youths in DYS's care or custody, including 8 incidents of inappropriate use of physical restraints at 8 different DYS facilities; 4 incidents of sexual abuse of youths in DYS's care or custody by its staff members at 2 of its facilities; and 34 incidents of neglect of youths in DYS's care or custody by its staff members at 20 of its facilities. (A 51B report can contain multiple allegations of neglect and/or abuse.)

DYS does not have any formal disciplinary guidelines that establish what measures its staff should take to effectively address supported allegations of neglect and/or abuse of youths in its care or custody. For 22 of the aforesaid 27 reports, the action DYS took was simply to either suspend or terminate the employment of the individual/s who committed the offense/s. Although doing so was appropriate and necessary, we believe that DYS should also establish formal written guidelines for its staff to follow when resolving the issues in its 51B reports. These guidelines should also address measures beyond the suspension or termination of the perpetrator's employment that could be effective in preventing reoccurrences. The measures could include such things as periodic targeted on-site training of all facility employees on proper restraint techniques, which should help minimize future incidents.

Such guidelines will better ensure that DYS consistently, effectively resolves the issues identified in its 51B reports and ideally will reduce reoccurrences of these issues.

Auditee's Response

DYS is committed to ensuring the safety of the youth in its care and custody and to identifying and investigating allegations of abuse and/or neglect. As such, DYS appreciates the Audit Team's interest in this area; however, DYS notes that the recommendation that DYS establish formal disciplinary guidelines about how staff should resolve supported 51Bs is inconsistent with DYS' contractual, licensing and regulatory requirements and the collective bargaining agreements that

govern the majority of its residential workforce. DYS notes that every 51A filed with [the Department of Children and Families, or DCF] alleging abuse or neglect related to either a DYS employee or provider staff and DYS youth is reported to DYS as required by DYS' Serious Incident Policy. [DCF conducts all 51B investigations in accordance with its statutory authority and its findings are independent of any findings resulting from parallel investigations by DYS or the Department of Early Education and Care.] Every screened in 51A allegation of abuse or neglect is investigated by the DYS Investigations Unit for DYS policy violations. [The DYS Investigations Unit reviews all Serious Incidents and may also investigate an incident where a 51A was screened out or where one is not applicable.] In addition to DYS' own investigation for policy violations, DYS' licensor, the Department of Early Education and Care (DEEC), also may investigate for violations of its licensing regulations relevant to the events underlying the 51A. Each investigating state agency—DCF, DYS and DEEC—investigates for violations of its own statutes, regulations and/or policies.

Every DYS investigation that determines that its employees violated DYS policies is referred for discipline in accordance with the Collective Bargaining Agreements (CBA) that govern DYS employees. The CBAs provide for progressive, individualized discipline up to and including termination for DYS policy violations. Discipline often includes retraining of individuals where appropriate. DYS also requires recertification of all DYS employees in residential settings in more than twenty different topic areas, including but not limited to Restraints and Use of Force, Serious Incident Reporting, Safety and Search procedures, and DYS' Use of Force Continuum. Additionally, DYS is responsible to address any licensing issues identified by DEEC in its state operated programs.

While DYS also assigns an investigator when DCF screens in allegations of abuse or neglect involving a contracted provider staff and/or contracted provider program, DYS' role is limited to determining whether any DYS policies have been violated. Any employee discipline, up to and including termination, is necessarily the purview of the contracted provider. DYS addresses any programmatic issues through the contract, but the contracted provider is responsible for decisions regarding their employee and for correcting any licensing issues identified by DEEC. Of course, DYS is responsible for ensuring its contracted providers are meeting contractual expectations regarding the care and treatment of youth and can impose sanctions against the provider, up to and including termination of the provider contract if DYS is concerned about the services the provider is delivering to DYS youth.

Auditor's Reply

The Office of the State Auditor (OSA) acknowledges that DYS conducts investigations of 51A reports and takes disciplinary actions as necessary to address all substantiated complaints. However, OSA believes that contrary to what DYS asserts in its response, it can and should develop standard disciplinary guidelines for effectively addressing issues identified in 51B reports. The guidelines should comply with DYS's collective bargaining agreements and licensing and regulatory requirements and minimize the possibility of problems reoccurring. In OSA's opinion, such guidelines will better ensure that DYS

consistently, effectively resolves the issues identified in its 51B reports and ideally will reduce reoccurrences of these issues.

Regarding incidents such as child abuse or neglect that may occur at its contracted service providers, DYS states that any employee discipline needed as a result of such incidents is up to the providers. However, as noted above, DYS is responsible for ensuring that adequate steps have been or will be taken to prevent the reoccurrence of abuse and/or neglect. In OSA's opinion, allowing contracted service providers to determine disciplinary measures does not provide adequate assurance that any such measures will effectively resolve problems and prevent reoccurrence. If DYS developed standard disciplinary guidelines, it could require its contractors to follow them, thereby better ensuring that the measures taken by contractors would be appropriate, consistent, and effective in reducing reoccurrences of abuse and/or neglect.