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Office of the Inspector General
Miami-Dade County

Memorandum

To: Mr. Randel Carr, Interim Director
Metro-Miami Action Plan Trust

From:  Christopher Mazzella
Inspector General

Date: February 16, 2006

Re: OIG Review of Teen Court Case Files Forwarded For Inspection

Please find attached the OIG's Final Report related to our review of the above-captioned subject.

In your response to the draft report, you stated your agreement with the OIG's findings however, you did not specifically state that you would implement the OIG's recommendations. While we are pleased with your acceptance of the findings, we would like you to provide definite information about future plans to reform MMAP's managerial and administrative functions. Accordingly, we request that you provide the OIG with a follow-up report in 90 days as to the status of any actions taken specific to each of the OIG's recommendations. **We would appreciate this report in 90 days, on or before May 26, 2006.** Consequently, the OIG is classifying this audit as "Completed but Unresolved."

CC: Hon. Katherine Fernandez Rundle, State Attorney, Eleventh Judicial Circuit
Wansley Walters, Director, Miami-Dade Juvenile Assessment Center
Tony Crapp, Assistant County Manager

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INTRODUCTION

This review was performed at the request of the Interim Director of Metro-Miami Action Plan Trust (MMAP), Randel Carr. Early November 2005, an internal review of all Teen Court case files located at MMAP's main office (downtown) was conducted. As a result of this internal review, 37 Teen Court files were identified as containing questionable documentation.¹ Consequently, Mr. Carr requested that the OIG review the 37 files and arrive at its own conclusions as to the adequacy of the documentation contained therein.

Among the files presented to the OIG for inspection, we found disturbing practices that raise serious concerns as to whether the clients actually satisfied the sanctions (mandatory and/or non-mandatory) imposed by the Teen Court jury. The lack of adherence to Teen Court policies and procedures by staff and enforcement by management promoted an atmosphere lacking in accountability.

Although the case files reviewed represents a small population of Teen Court files managed by MMAP, the OIG deems it appropriate to address all individuals involved in the case management process for their actions (or lack thereof) due to the nature of the findings and the potentially damaging impact on the Teen Court Program. The findings highlighted in this report are specifically related to the actions of the Juvenile Support Specialists (JSS) who were assigned to monitor the cases and the supervisor(s) charged with oversight responsibilities.

BACKGROUND

Miami-Dade County Teen Court is an alternative sanctioning program administered by MMAP for first time misdemeanor youthful offenders who agree to allow their peers, instead of the juvenile justice system, determine their sentencing. Through their participation, the program is intended to decrease juvenile delinquency by interrupting the beginning stages of criminal behavior.

Qualified youthful offenders are referred to the program by the State Attorney's Office (SAO) and the Post-Arrest Diversion Program after an intake assessment at the Juvenile Assessment Center (JAC). Upon receipt of a client case, a JSS is assigned to manage the case from intake through closeout. The JSS is required to ensure that all Teen Court sanctions are met prior to forwarding the case for closure. Upon completion of

¹ MMAP personnel selected the subject case files from the 654 cases referred to MMAP's main (downtown) office between October 1, 2002, and September 30, 2005.

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the program, the SAO and Post-Arrest Diversion Program are notified. Clients who do not satisfy the sanctions are directed back to the referring agency for further action.

Program participants submit to a sentencing hearing conducted by youth volunteers serving as attorneys, jurors, bailiffs, and clerks. Some offenses include petit theft, possession of marijuana, disorderly conduct, and trespassing. An adult volunteer, usually an active judge or lawyer, presides as the judge over the hearing and a jury of the participant's peers determines the appropriate sanctions.

There are two (2) types of sanctions prescribed by the peer jury that must be satisfied in order to successfully complete the Teen Court program. Mandatory sanctions (i.e., community hours, jury duty, jail tour, etc.) are assigned to all clients. Non-mandatory sanctions (i.e., curfew, counseling, tutoring etc.) are also prescribed at the option of the peer jury. The specific sanctions, however, vary among the clients and are based on the guidelines contained in the Teen Court "Sanctions List."

Once the participants successfully complete program sanctions, they are given the opportunity to have their records expunged. Upon completion of the program, a "Completion of Sanctions" letter is forwarded to the referring agency that facilitates the process of expunging the client's juvenile record, thereby providing the youth with a second chance.

OBJECTIVES AND SCOPE

The purpose of this review was to determine whether the Teen Court files provided to the OIG contained sufficient documentation demonstrating that the sanctions imposed by the youth court were completely satisfied. We inspected all the files presented to the OIG. These 37 files are from the period of January 2003 through October 2005 and were assigned to four JSSs.

The Teen Court client files reviewed were managed by the four JSS as follows:

JSS	No. of Teen Court Files Reviewed
K.D.	20
Jo.A	14
*C.B.	2
Ju.A	1
Total	37

* Denotes Current Supervisor

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RESULTS SUMMARY

All 37 files reviewed contained questionable and/or blatant falsification of documentation supporting case closure. Furthermore, our review indicated that the number of days for case closure far exceeded the established 90-day case period. The case period for the files reviewed ranged from 63 to 243 days, which may indicate poor case management.

Finding No. 1: Files Reviewed Contain Questionable Documentation Evidencing Client Completion of Program Sanctions

For the period under review, the downtown office received approximately 654 case referrals during fiscal years 2003, 2004 and 2005. As summarized in Table 1 below, errors and/or discrepancies were observed in each case file reviewed by the OIG.

TABLE 1 Teen Court Case Referrals

Fiscal Year	Total Case Referrals	Case Files Reviewed by OIG	% of Total Referrals	Case Files With Noted Errors
10/1/02-9/30/03	209	10	5%	10
10/1/03-9/30/04	272	16	6%	16
10/1/04-9/30/05	173	11	6%	11
Totals	654	37	6%	37
*These figures only relate to MMAP's Main Office located Downtown as do the findings highlighted in this report.				

We found that MMAP client files typically contain multiple documentation discrepancies, such as missing documents, altered documents, falsified documents and unsigned documents. The OIG believes these discrepancies give it reason to question whether the 37 clients successfully satisfied their respective Teen Court imposed sanctions.² A detailed description of each type of sanction can be found in **OIG Exhibit A**.

As summarized in Table 2 on the next page, several categories were established based upon the nature of questionable/falsified documentation observed in the client's Teen Court file. Please refer to **Exhibits B & C** for extensive details regarding all 37 of the Teen Court files.

² We note that this condition is not limited to the 37 files reviewed. Subsequent to issuance of the draft report, OIG auditors were provided with historical information reflecting the very conditions noted.

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TABLE 2 Mandated and Non-Mandated Sanctions (See OIG Schedules B & C)

		C	CND	N	N/A	NCS	NL	NS	O	Total
Mandated Sanctions	Community Service	7	1	6	0	1	0	7	15	37
	Jury Duty	1	1	3	0	17	5	3	7	37
	Essay	25	0	2	0	0	0	2	8	37
	Apology Letter	21	0	4	1	0	0	1	10	37
	Victim Awareness Panel Workshop	30	0	4	0	0	0	2	1	37
	Jail Tour	22	0	2	0	0	0	2	11	37
	Anti-Theft Workshop	19	0	2	15	0	0	0	1	37
	Ethics Workshop	19	0	10	4	0	0	4	0	37
Non-mandated Sanctions	Peer Circle	6	0	3	25	0	0	1	2	37
	Kingian Nonviolence	14	0	2	19	1	1	0	0	37
	Tutoring	0	0	17	20	0	0	0	0	37
	Anger Management	2	0	4	31	0	0	0	0	37
	Unique & Beautiful (Girls) / Boys to Men	6	0	4	27	0	0	0	0	37

LEGEND

- C = Client satisfied sanction (verified w/log and other supporting documentation)
- CND = Cannot determine because client's name was printed (client did not sign as required)
- N = No documentation in client file to support satisfaction of sanction
- N/A = Sanction does not apply
- NCS = Client did not sign court's sign-in log
- NL = No court sign-in log in Teen Court records for date specified by JSS
- NS = Not signed by client (Signature line is blank)

- Q = Questionable Signature (Signature on sanction form *noticably* different than intake documents).

Most of the discrepancies were readily observable based on nothing more than a cursory review of the documents. In all cases, however, a JSS signed-off on a *Notice of Program Completion* form sent to the client and a *Completion of Sanctions* form sent to the SAO and the Post-Arrest Diversion Program indicating that the client had successfully completed the program. Perhaps most disturbingly, a JSS supervisor also signed-off on a *File Procedure and Form Compliance Checklist* form indicating that he/she had verified that the listed steps had been completed. We would think it reasonable to expect that his/her sign-off on this form would have been based on his/her

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review of the file documentation. However, given the very evident discrepancies, we question how thorough the supervisory review actually was. Indeed, the abuses outlined in this report may have on the juvenile justice system can not be disregarded.

Finding No. 2: Case Closure Timeframes Are Consistently Exceeded

Each assigned JSS is responsible for monitoring the compliance of the sanctions imposed by the peer jury from intake through closeout. This would necessarily include monitoring the time period for each client to satisfactorily complete all program requirements.

The Post Arrest Diversion Program *Procedures Manual* states:

All cases must be closed within ninety (90) days from the date of the arrest unless Restitution or other counseling components requires longer supervision. Cases, which are to be extended beyond ninety (90) days, require supervisory approval and a new release agreement signed prior to the 90th day.

Of the 37 case files reviewed, the case periods ranged from 63 days to 243. These periods far exceeded the 90-day period. Only 5 cases (14%) were within the 90-day period. Fourteen (38%) cases were closed within 91-120 days of referral; another 8 (22%) took between 121 - 150 days; and 10 (27%) took longer than 150 days. (See **OIG Schedule A** for details relating to each case file). Overall 32 of 37 (87%) of the files reviewed exceeded the program's case closure timeframes. There was no evidence that MMAP obtained the required signed release agreements for these 32 cases or that there were any extended counseling requirements. We believe that this condition reinforces a finding that JSS personnel were not doing their jobs and a finding that supervisory personnel were not supervising.

The OIG questions why this has been allowed to continue for as long as it has. Based on the historical and current number of referrals, it is not unreasonable to expect that case files be managed in a more efficient manner.

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OIG COMMENT TO THE RESPONSES RECEIVED

The OIG distributed a draft version of this report to Metro-Miami Action Plan Trust (MMAP) personnel, on January 6, 2006. In addition to a copy provided to the Interim Director, the OIG requested written responses from the Teen Court Program Administrator and the four JSSs whose case files were reviewed as part of the OIG's inspection. All but one of those requested to provide written responses did. In consideration of the responses received and additional materials provided by MMAP, the OIG made some changes to the report. The report findings and recommendations remain essentially unchanged.

Collectively, the staff responses were remarkably similar. Staff claimed that they did not know what the procedures were or that there was no procedure for a named action. At times, one or more of them claimed that MMAP's Office Support Specialist 2 (essentially, a secretary) was at fault because she had some form of "audit" responsibility to ensure that the case files were complete just because she was the individual who typed the case completion letters. Some respondents blamed the clients for not doing something, such as not signing an attendance log, by way of justifying why they altered documents, copied records, or just plain ignored the need for a signature as proof of attendance. At times, it appears that some may have even forged a client's signature. Some mentioned a lack of training.

We reiterate that many respondents stated in their responses that they did not know what the rules were. We believe this is to be a weak excuse for their having acted improperly. Not having the client signature on a form wherein the form clearly indicates that it is needed. Copying records from one case file and placing the copies in another's case file. Not verifying a client's presence at a pre-determined event. Noting the client's presence at a pre-determined event when the client did not sign-in on the event attendance log. These actions are all problematic actions taken by MMAP personnel who claim that they did not know that these were inappropriate actions. Notwithstanding the quality, or even a claimed lack of the written procedures, these types of actions cannot be condoned or excused.

Any acknowledgements that what they had done might have been misguided were lost among the numerous justifications for otherwise improper acts. Acts that the OIG believes a thoughtful, dutiful employee would know were improper because they were wrong, even in the presence or absence of procedures and training. Thus, the OIG will not be rebutting one-for-one the many respondent justifications.

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CONCLUSION & RECOMMENDATIONS

We acknowledge that the subject 37 files represent only about six (6) percent of the 654 files. However, the egregious nature of the observed conditions merits special attention, when one realizes the serious implications of the actions taken by MMAP personnel. These individuals are charged with operating a program to teach youthful offenders about the consequences of breaking laws and of not following the "rules." Then, these same individuals do not follow the rules themselves.

In conclusion, even if the described conditions do not represent systemic flaws, they do show that there are serious problems with MMAP's efforts to prevent such documentation discrepancies from happening. Clearly, supervisory personnel were not supervising, procedures were unenforced or not communicated to the workers, who themselves were untrained. Moreover, MMAP's internal checks and balances, which should have detected the documentation discrepancies in a timely manner, appear ineffectual too. This would have allowed remediative efforts time to correct the discrepancies prior to MMAP's recommending case closure.

In order to maintain the integrity and accountability of the Teen Court Program, the OIG strongly urges management to implement the following corrective actions:

1. All individuals responsible for the discrepancies, errors, omissions and/or falsifications contained in the case files should be severely sanctioned for their actions, or lack thereof, relating to their responsibilities.
2. All future cases forwarded for closure should be subject to a quality assurance (QA) review by an independent individual who shall, as part of the QA process, corroborate sanction satisfaction against authoritative documentation.
3. All future cases exceeding the 90-day period should require written justification to the Teen Court Program Administrator.
4. All JSSs should submit a status report on a monthly basis detailing the client's progress in satisfying the sanctions imposed by the youth court.
5. Management should reevaluate the current administrative procedures, screening process and training programs established for the Juvenile Support Specialists and other Teen Court staff in order to ensure that future incumbents have appropriate credentials and are sufficiently knowledgeable of program requirements.

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EXHIBITS

- A. Teen Court Sanction Descriptions
- B. Mandated Sanctions Case Files Review
- C. Non- Mandated Sanctions Case Files Review

APPENDIX

- A. Response received from Randel Carr, Interim President/CEO, MMAP
- B. Response received from Traci Pollock, Program Director
- C. Response received from Clairol Bastian, Supervisor, Juvenile Support Specialist
- D. Response received from Katia Vilsaint-Despaigne, Juvenile Support Specialist
- E. Response received from Juan Aspajo, Juvenile Support Specialist

ATTACHMENTS

- 1. Memorandum dated 11/14/05 from Traci Pollock, Program Director entitled "Results of Periodic Internal Case File Audit"
- 2. Miami Dade County Teen Court Draft Policies and Procedures Manual, Established December 2001
- 3. Memorandum dated 9/13/01 from Ralph McCloud, Program Director (former)
- 4. Excerpt from Post Arrest Division (PAD) Procedures Manual
- 5. File Procedure and Form Compliance Checklist form
- 6. Completion of Sanctions letter
- 7. Notice of Program Completion letter