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**DOI EXAMINATION OF ELEVEN CHILD FATALITIES AND ONE NEAR FATALITY FINDS SERIOUS DEFICIENCIES IN HOW THE CITY'S CHILD WELFARE AGENCY CONDUCTED INVESTIGATIONS**  
**--DOI's principal recommendation: Hire more skilled investigators as consultants who can assist front-line caseworkers get the facts in abuse and neglect investigations--**

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation (DOI), and JOHN B. MATTINGLY, Commissioner of the New York City Administration for Children's Services (ACS) issued a Joint Report today that examined how ACS investigated abuse and neglect allegations in connection with cases that led to the deaths of 11 children, and one near fatality, between October 2005 and July 2006. In each of these cases, the parents were either under investigation by ACS for abuse or neglect or had been the subjects of completed ACS investigations. After an exhaustive 18-month investigation, DOI found that in all but one of the cases the investigations conducted by ACS were substantially inadequate and incomplete, according to the Report. DOI's principal recommendation is an innovative approach in child welfare reform that will add 100 skilled investigators as consultants who will strengthen the critical investigative skills that are needed to help the most vulnerable New Yorkers. The recommendation calls on these investigators to work hand-in-hand with caseworkers and supervisors and to assist them directly in the field.

Mayor Michael R. Bloomberg asked DOI to conduct this external, independent review as one of a number of initiatives aimed at strengthening ACS after the tragedy of Nixzmary Brown's death. In the past 18 months, ACS has implemented several initiatives, including assigning a Safety Solutions Team to each borough to improve the quality of case practices and managerial skills; hiring and training close to 800 child protective caseworkers; hiring 20 former law enforcement officers to provide consultation and support to caseworkers in connection with investigations; and instituting ChildStat, modeled on the NYPD's CompStat, to provide increased case guidance and supervision from senior managers.

The Joint Report describes in detail the investigative failures DOI found and outlines 26 recommendations pertaining chiefly to ACS' investigative practices, which DOI believes will strengthen ACS' investigations of child abuse and neglect reports, and assist ACS caseworkers in the difficult and complicated job of protecting children and families at risk. DOI's principal recommendation focuses on the need for ACS to significantly improve its investigatory capacity and calls on ACS to undertake a pilot program and hire 100 additional experienced investigators skilled in conducting probing, revealing investigations. As part of the initial set of reforms launched months after Nixmary Brown's death, ACS brought onto staff 20 former law enforcement investigators, including retired Special Victims Division detectives to act as consultants to ACS caseworkers. By expanding their presence by 500 percent, DOI recommends that ACS incorporate these experienced investigators into its workforce as consultants to assist in the training of front-line child protective staff, to go out into the field with caseworkers on more serious investigations, and otherwise act as a much-needed resource during serious child abuse and neglect investigations.

As part of its investigation, DOI also reviewed the history of child death cases in New York City under circumstances where the abuse or neglect was repeated and had been brought to the attention of officials. For over a century in the wake of such high-profile child abuse cases, the response had been to form task forces, issue reports, and the City often overhauled the child welfare agency. This is significant, since most of the investigative work examined as part of this Report reflects precisely the same investigative failures that were found in those previous cases.

DOI Commissioner Rose Gill Hearn said, "The examination by DOI of each of the child deaths was tragic and frustrating because there were so many investigative steps not taken, many questions not asked, witnesses and documents not sought. This Report makes many recommendations pertaining to the way ACS conducts investigations that DOI believes are crucial to ACS' ability to better protect children in abuse and neglect cases. Chief among them is that ACS hire more skilled investigators who know how to probe and get at the facts. History has shown us that opportunities will continue to be missed during child abuse and neglect investigations if ACS does not infuse its ranks with seasoned investigators who will assist ACS in getting the facts with which to make risk assessments. I think that if the investigations improve such that one child at risk is identified because of that improvement, it is worth it. I commend Mayor Bloomberg for tasking us with this review and I thank Commissioner Mattingly for his cooperation and assistance."

ACS Commissioner John Mattingly said, "This report is a big step forward in strengthening our ongoing reforms to improve child protective investigations. The recommendation to hire 100 more experienced law enforcement consultants will mean that many more of our caseworkers will get the support, guidance and training they need to conduct thorough investigations. This report calls for tough action on our part in order to do everything possible to protect children. That is what the Mayor wants, that is what our City expects and that is what I expect."

DOI began its examination after Mayor Bloomberg and Commissioner Mattingly requested that DOI examine ACS' investigations in cases where children had died or were almost killed. As a result, DOI examined ACS' investigations of child abuse or neglect allegations with respect to the following families, which resulted in eleven child deaths and one near death between late October 2005 and July 2006:

1. **Sierra Roberts:** On October 25, 2005 the seven-year-old girl was beaten to death. Her father has pleaded guilty to manslaughter in connection with her death.
2. **Dahquay Gillians:** On November 6, 2005 the 16-month-old drowned in the bathtub of his apartment. His mother has pleaded guilty to criminally negligent homicide and reckless endangerment in connection with his death.

3. **Jocelyn Collazo, Richard Laboy, Christian Gaston:** On December 6, 2005, these three children – Jocelyn, 18-months-old; Richard, 6, and Christian, 5 -- died in a fire in the illegal cellar apartment where they were living with their mother, Jennifer Gaston. Before the fire, Gaston had been the subject of repeated Reports that her children were abused and living in neglectful conditions in that apartment.
4. **Joziah Bunch:** On December 28, 2005, the one-year-old boy was found beaten to death in his apartment. His mother was later charged with murder and manslaughter in connection with his death.
5. **Jaylee Logan:** On January 7, 2006, the two-month-old girl died of natural causes. Jaylee's mother was a 19-year-old single mother who was also the guardian of her two teenage sisters and the mother of Jaylee's twin brother. Jaylee's family had been receiving preventive services through ACS as far back as July 1999.
6. **Nixzmary Brown:** On January 11, 2006, the seven-year-old was found beaten to death in her Brooklyn apartment. Her mother and stepfather face murder charges in connection with her death. ACS received repeated reports that Nixzmary and her siblings were being abused and neglected.
7. **Michael Segarra:** On January 11, 2006, the two-month-old boy was found dead in his crib. It was determined he died of natural causes. However, Michael had tested positive for cocaine at birth and ACS received repeated Reports that his mother was using drugs in her older son's presence and neglecting him.
8. **Lizabeth Gonzalez:** On January 24, 2006, the five-month-old girl nearly drowned in a bathtub at her home. Her mother pleaded guilty to reckless endangerment in connection with the incident.
9. **Quachaun Brown:** On January 30, 2006, the four-year-old boy was found beaten to death in his apartment. His mother pleaded guilty to manslaughter in connection with his death and was sentenced to 2½ years in prison. Her boyfriend, who is charged with murder, is awaiting trial.
10. **Sharllene Morillo:** On July 28, 2006, the two-year-old girl died from head injuries. Her mother's boyfriend has been charged with murder and is awaiting trial. Although her death came six months after ACS announced various reforms, DOI found ACS' investigation of the allegations reflected many of the same failures DOI observed in its earlier examinations.

DOI's investigation of these cases was exhaustive consisting of interviewing approximately 146 individuals including ACS employees, witnesses including neighbors and friends of the families under investigation, members of the New York City Police Department (NYPD), the New York City Fire Department (FDNY) and the New York City Department of Education (DOE) as well as medical personnel. DOI also reviewed numerous records from ACS, medical reports, reports from the Office of the Chief Medical Examiner (OCME) and records from the NYPD, FDNY and DOE.

DOI's Report found substantial inadequacies in ACS' policies and procedures for investigating and responding to allegations of child abuse and neglect; revealed serious problems in the quality and integrity of the investigations conducted by ACS staff in all but one of the families examined and revealed that ACS staff often conducted careless, incomplete investigations of serious abuse allegations. Additional findings described in the Report include:

- Caseworkers routinely made conclusive determinations concerning abuse and/or neglect allegations based principally, or even exclusively, on the parents' denial of the allegations.
- ACS staff closed cases with what is known as an "unfounded" determination either prematurely or even after their investigations had substantiated the allegations, and where unstable, potentially deadly situations remained unresolved in the homes.
- Caseworkers repeatedly failed to obtain critical documents, such as school and medical records.
- ACS staff failed to take advantage of the many legal remedies available to them when their investigations were frustrated by uncooperative parents or other adults living in these households.
- ACS staff failed to monitor parents' participation in treatment programs after their investigations revealed that these parents were in desperate need of counseling or other services, such as substance abuse treatment programs or domestic violence counseling.
- ACS staff regularly documented their investigative findings long after the fact. A troubling finding involved two ACS staff members who made false entries in ACS records after the death of a child to make it appear as if they had taken certain investigatory steps or provided supervisory oversight, when they had not.
- Few front-line caseworkers had prior investigatory experience or training, yet they were expected to conduct difficult investigations involving highly sensitive and provocative criminal allegations.
- Caseworkers carried significant caseloads, often as high as 20 cases per worker.
- Serious failures in managerial oversight and most supervisors lacked any substantive investigatory experience or training.
- Supervisors repeatedly approved case closings when the caseworkers had not conducted complete investigations and when caseworkers had failed to complete most of the investigative steps identified as necessary by their supervisors.

The Mayor's Interagency Task Force on Child Welfare and Safety, which Mayor Bloomberg convened in late January 2006 and which is comprised of representatives from ACS, the Department of Education, the New York Police Department, the Department of Investigation, Health and Hospitals Corporation, and the Department for Homeless Services, has also implemented over 80 initiatives, including establishing 1400 educational liaisons, one in every public school to help facilitate communication on all matters concerning child abuse and neglect investigations to ACS; establishing electronic student absence alerts; imposing more stringent timeframes and supervision of the Department of Education's investigations of student absences; establishing Child Safety Coordinators at every New York City hospital to strengthen interagency coordination in child abuse cases; launching an unprecedented citywide abuse and neglect training for medical staff in both public and private hospitals; and providing training to thousands of medical personnel and child care providers regarding their obligations as mandated reporters.

The Report also explains that ACS has made significant progress and instituted a number of reforms over the past 18 months. Those reforms include:

- ACS has implemented Childstat, a new accountability tool for the assessment and strengthening of child welfare case practice and safety decision-making. Childstat, launched by ACS in June 2006 and inspired by the NYPD's renowned Compstat process, is a weekly, morning-long session during which child protective leaders from each of the City's 14 geographic zones meet on a rotating basis

with top ACS officials to conduct an extensive data and active case review. Practice and performance issues identified at Childstat are addressed at the meeting and are monitored afterward to ensure improvement and accountability.

- ACS one year ago opened the Safety First Office to handle calls from employees of City agencies and foster care and preventive service agencies to make sure critical safety concerns get to child protective caseworkers without delay, and improve collaboration with mandated reporters. The Safety First Office has handled in excess of 3,100 calls.
- ACS has restructured management throughout the ACS Division of Child Protection. Janet Flory, the former head of Children's Aid Society child welfare and delinquency programs, has been named Deputy Commissioner for Child Protection. Additionally, in January 2006, the overall management structure of the division was improved to strengthen administrative support to the field offices and provide greater accountability. A new Associate Commissioner for Child Protection was appointed in January – Gilbert Taylor. Four of seven Child Protective Borough Field Office heads have been elevated to the position of Assistant Commissioner. In addition, 25 new child protective managers have been hired, decreasing the span of responsibility of each manager to provide better oversight of child protective investigations.
- ACS has hired almost 800 additional child protective caseworkers since January 2006. ACS now has over 1200 child protective caseworkers on staff.
- Caseload averages have declined to 11 cases per specialist, down from an average of 21 in March 2006.
- The NYPD has created a dedicated phone number staffed at Police Headquarters to accommodate ACS requests for law enforcement assistance. Since this 24-hour, 7-days a week hotline was established in June 2006, Instant Response Team cases are now handled via the central intake desk, eliminating the need for child protective workers to go to police precincts to get assistance and increasing efficiency.
- The New York City Leadership Academy for Child Safety has been created, and the first class is currently in training. The Academy is designed to offer training and activities for child protective managers.
- ACS has implemented new regulations that clearly mandate child protective specialists seek entry orders when they are denied access to the residence of a child suspected to be at risk. From January through September 2006, 59 entry orders were sought, compared to requests for 14 entry orders in all of 2005.

DOI applauds ACS for the significant progress in identifying problems and proposing solutions. The Report also indicates that much more remains to be accomplished. To that end, DOI believes the following recommendations will allow ACS to move forward on improvements, including:

- **Principal Recommendation – Hire an Additional 100 Investigative Consultants to Work with Caseworkers and Supervisors on Investigations:**
  - DOI found that investigations conducted by ACS caseworkers of potentially deadly abuse and neglect allegations are wholly inadequate and incomplete. This is a result of a number of factors but most significantly it is the result of little or no investigatory experience among the ranks of the child protective staff.

- Hire 100 Investigative Consultants with prior investigative experience to assist front-line child protective staff. These consultants will be available to go into the field with existing caseworkers so these caseworkers can share the benefit of the seasoned investigator's prior experience and training. They should be deployed in the areas that experience the highest number of serious abuse and neglect Reports.
- The agency can draw from a large pool of retired law enforcement personnel that would be interested in the job, including retired detectives from the NYPD, the Drug Enforcement Agency, the Federal Bureau of Investigation, the Postal Inspection Service and the Bureau of Alcohol, Tobacco and Firearms.
- DOI is not suggesting that ACS become a law enforcement agency, or that these investigators carry weapons or have the power to arrest or execute search warrants. This recommendation is based solely on the fact that caseworkers are often required to conduct investigations that are criminal in nature and that these allegations will be more effectively investigated by individuals with prior law enforcement experience.
- DOI believes these seasoned investigators will enable ACS to "get the facts" about what is going on in a home under investigation. Learning the true circumstances in the homes under investigation will allow ACS to make more intelligent and informed decisions and better protect children.

➤ **Better Investigations:**

- Supervisors should hold case reviews with caseworkers at regular intervals to offer guidance and direction.
- Supervisors must never sacrifice a thorough investigation simply for the sake of meeting the legal requirement that investigations be completed within 60 days.
- ACS staff should receive refresher training on classifying cases as "indicated" or "unfounded," since DOI found those definitions were regularly ignored when closing cases.

➤ **Documenting Investigative Steps:**

- Develop procedures governing the creation and preservation of note taking in the field by caseworkers.
- ACS should set deadlines when caseworkers must obtain and evaluate medical records.
- ACS needs to make the appropriate referral for treatment immediately, have the parent sign a consent form permitting the program to disclose the details of the parent's participation and records should be included in the case file. Caseworkers also must be required to monitor the parent's participation.
- Remind caseworkers of the importance of reviewing the prior ACS history of the subject of a hotline Report.

➤ **Investigative Aids for Caseworkers:**

- DOI strongly supports a law that would make the assault of a caseworker a felony.
- DOI supports giving ACS caseworkers direct access to criminal histories of parents and caretakers under investigation provided ACS hires additional staff with law enforcement background.
- Pairing up of caseworkers on high-risk home visits and/or cases is recommended. It serves the safety of the caseworkers involved and the quality of the investigations conducted.

➤ **External Agency Considerations:**

- The New York City Department of Education must maintain appropriate oversight of tracking student attendance.
- DOI strongly recommends all calls to the State Central Register (SCR) hotline, which receives Reports of suspected child abuse and neglect throughout New York State, be recorded in a similar manner to “911” calls.

The Report states that DOI believes a child welfare agency needs two types of expertise – one brought by the trained social worker to assist a family and the second brought by a seasoned investigator who can ask the probing questions and “get the facts.” DOI has discussed its findings and recommendations with Commissioner Mattingly and his staff and looks forward to working with them in continuing to review ACS’ ongoing reform effort.

Commissioner Gill Hearn thanks ACS Commissioner Mattingly and his staff for their cooperation and support during the course of the investigation and their openness to attempt novel reform efforts aimed at better protecting the children of New York City. The Commissioner also commended Mayor Bloomberg for his focus on this issue and his support of this examination.

Commissioner Gill Hearn would also like to thank Special Commissioner Richard Condon and Gerry Conroy for their invaluable contribution to the investigation and the preparation of the Report.

Commissioner Gill Hearn also thanks the team within DOI for their dedication and hard work on this Report, including Kim A. Berger, Richard Sullivan, Julie Block, Benjamin Defibaugh, Rebecca Holland, Jennifer Fiellman, Inna Spector, Margaret Shivers, Jose Ramos, Joseph Caputo, Anthony Capek, Crissy DeAngelo, Eugenia Wells, William Holland, Jayme Naberezny, Pearse Conlon, Julie Divita, Michael Siller and Helen Kashimer.

Commissioner Mattingly thanks the thousands of ACS staff, many working long into the night and on the weekends, who work so hard to protect the most vulnerable of our City’s children.

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