

To: Suzy Sonnier, Secretary, DCFS

From: Charlie Dirks, Executive Counsel, DCFS

RE: Internal Investigation

Date: July 15, 2015

Background

On July 9, 2015 DCFS learned that Baton Rouge Police Officers arrested Rose Holland on various charges and upon taking her into custody discovered that her 15 year old son was severely malnourished. Subsequent media reports included allegations that DCFS received reports of abuse or neglect relative Ms. Holland and her 15 year old son prior to her arrest and failed to appropriately respond to the allegations. Other allegations made in the media included that the child's aunt, Edna Mitchell, contacted DCFS on two separate occasions about Ms. Holland and alleged that she neglected her 15 year old son. The media reports further alleged that DCFS did not appropriately respond to these reports.

Both Federal and State law prohibit DCFS from releasing any information regarding a past or current child protection investigation. (See 45 CFR 205.50 and La.R.S. 46:56). Limited exceptions exist which authorize DCFS to provide information regarding a past or current child protection investigation. A violation of the state law is considered a felony offense punishable by up to two years in prison. [See La.R.S. 46:56 (I)] One of the exceptions to these laws authorizes DCFS to clarify or confirm public statements made by third parties about a past or current investigation. This report is made within the confines of the above cited federal and state laws and for the sole purpose of clarifying or confirming the public statements made regarding the incident which lead to the arrest of Rose Holland.

Actions Taken

Upon receipt of the Secretary's request to investigate this matter, I initially reviewed the applicable federal and state laws for purposes of determining the authority given to DCFS to release information to third parties regarding past or current child protection investigations, as well as the parameters established by these laws which govern the release of information. Following same, I contacted staff assigned to the DCFS Centralized Intake Unit to determine if DCFS previously received any reports of abuse or neglect related to Ms. Holland and her 15 year old son. I then contacted the DCFS Baton Rouge Regional Administrator and requested that she obtain records from the East Baton Rouge Parish Child Welfare Office regarding any child protection investigations for my review. I also spoke with employees and supervisors on July 10 and 13, 2015. I also spoke with state office staff for purposes of reviewing DCFS policy as it relates to child protection investigations, the documentation of contacts made during a child protection investigation and findings made during a child protection investigation and the actions

taken when certain findings are made. Finally, I reviewed all investigation material and statements taken as a result of the arrest of Rose Holland.

Summary

My investigation confirmed that DCFS previously had contact with Ms. Holland and her 15 year old son. It has been alleged that the contacts resulted from an initial complaint made by the child's aunt. My investigation determined that the child's aunt did not make any reports of abuse or neglect with DCFS relative Ms. Holland or her 15 year old son. It has further been alleged that during one of the previous DCFS contacts with Ms. Holland and her 15 year old son that DCFS only checked to make sure that the family had food and water. My investigation revealed that this statement is incorrect. DCFS staff interviewed relevant witnesses, inspected the home, obtained objective evidence of the child's physical condition and documented these activities.

As it relates to the actions of DCFS staff, my investigation did not reveal that any intentional acts were committed that violated any criminal laws or otherwise could be considered criminal malfeasance in office. As a result of my investigation, I learned that discretionary decisions were made by various DCFS staff that possibly would have been made in a different manner if additional information had been obtained or if the information they received had been accurate.

Recommendations

- 1) The matter should be referred to the appropriate appointing authority to consider whether disciplinary action should be taken against the investigator, supervisor and manager for the failures described herein.
- 2) This summary, the full investigation report containing information deemed confidential by federal and state laws, along with all records and file materials should be forwarded to the Louisiana Office of Inspector General for purposes of determining whether or not it concurs that criminal conduct did not occur at any point in time DCFS staff engaged Ms. Holland or her 15 year old son.
- 3) Legislation should be proposed that creates a felony grade criminal offense similar to Obstruction of Justice (La.R.S. 14:130.1) when a third party misrepresents facts to a DCFS employee during a child protection investigation or otherwise obstructs the investigation in any way.
- 4) The High Risk Policy, previously amended by Secretary Sonnier on 7/10/15 to require a Multi-Disciplinary Team as part of the Child Protection investigation under certain circumstances in cases involving children who have special needs or are non verbal should be re-inforced through additional follow up training relative to this change.

- 5) Improve skills related to the identification of abuse or neglect of children with special needs and provide additional training to enhance interview techniques for the purpose of investigation.
- 6) Additional instruction or training should occur to insure that supervisors thoroughly examine case files when they take over a case from a previous supervisor for purposes of identifying if there are additional questions or actions that should be taken prior to closing the case.
- 7) As previously prioritized by Secretary Sonnier, when funds become available the electronic case management system should be replaced with a modern version that has functions to assist staff with easily identifying outstanding action items, specific categories and other relevant information concerning clients.