

Review Highlights



Highlights of Legislative Auditor report on the Review of Governmental and Private Facilities for Children, issued on December 11, 2008. Report # LA08-28.

Background

Assembly Bill 629 (AB 629), passed by the 74th Session of the Nevada Legislature, required the Legislative Auditor to conduct reviews, audits, and unannounced site visits of governmental and private facilities for children.

Governmental facilities include any facility which is owned or operated by a governmental entity and which has physical custody of children pursuant to the order of a court. Private facilities include any facility which is owned or operated by a person or entity which has physical custody of children pursuant to the order of a court.

We identified a total of 57 governmental and private facilities which meet the requirements of AB 629: 23 governmental and 34 private facilities, 14 of which are out-of-state.

AB 629, Section 6, requires facilities to forward to the Legislative Auditor copies of any complaint filed by a child under their custody or by any other person on behalf of such a child concerning the health, safety, welfare, and civil and other rights of the child.

During the period from July 1, 2007, through July 31, 2008, we received 1,709 complaints from 43 Nevada facilities. The most common type of complaint related to welfare. The number and type of complaints received may be dependent on a number of factors, including the type of youth served, the type of facility, or the length of time spent at a facility.

Purpose of Reviews

Reviews were conducted pursuant to the provisions of AB 629, Section 6. As reviews and not audits, they were not conducted in accordance with generally accepted government auditing standards, as outlined in Government Auditing Standards issued by the Comptroller General of the United States, or in accordance with the Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

The purpose of our reviews was to determine if the facilities adequately protect the health, safety, and welfare of the children in the facilities and whether the facilities respect the civil and other rights of the children in their care. These reviews included an examination of policies, procedures, and complaints received for the period July 1, 2007, through the date of our visit to each facility. In addition, we discussed related issues and observed related processes during our visits, which were conducted from March 2008 through September 2008.

Recommendations

Specific recommendations based on our observations were made to each of the 13 facilities reviewed. In addition, we are making two recommendations to all facilities in the State regarding background checks of new employees. First, facilities should receive the results of all background checks prior to hiring new employees. In addition, facilities should work with the Department of Public Safety's Records and Technology Division, Records Bureau, to establish an efficient process to provide the results of background checks to those charged with approving potential employees as quickly as possible.

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Results of Reviews

Based on the procedures performed and except as otherwise noted, the policies, procedures, and processes in place at the 13 facilities we reviewed provide reasonable assurance that they adequately protect the health, safety and welfare of youth at the facilities, and they respect the civil and other rights of youth in their care. In addition, during 10 unannounced visits, we did not note anything that would cause us to question the health, safety, welfare, or protection of rights of the children in the facilities.

During our reviews, we noted a common issue among the facilities. Facilities sometimes allow newly hired employees to have direct contact with youth prior to receiving the results of both state and federal background checks. Newly hired employees were fingerprinted for background checks at six of the seven facilities where we tested employee files for background checks. Background checks based on social security numbers were conducted at the seventh facility. However, at six of these facilities, new staff were allowed to have direct contact with youth prior to facility management receiving all background check results. At some of these facilities, management stated the new staff were supervised and were not allowed to be alone with youth until the background checks were received.

We found it took from 2 to 15 weeks for facilities to receive the results of state and federal background checks. Two facilities reported it may take up to 4 months to receive the results of federal background checks. At one facility, management reported they cannot make applicants wait until background results are received because qualified applicants may not be willing to wait up to 2 months for an employment decision.

We discussed this issue with staff at the Department of Public Safety, Records and Technology Division, Records Bureau (Bureau), facility management, and Division of Child and Family Services management. We determined that some facilities may be able to receive both state and federal background check results in about a week, at no additional cost, by having new employees fingerprinted at an agency that uses a scanner and electronically submits the fingerprints to the Bureau. However, some facilities may not be located close to an agency with a scanner. According to staff at the Bureau, some sheriff's offices have scanners, but some do not. Facilities may contact their local sheriff's office to find out if scanning and electronic submission are available.

Facility Observations

The most common observation at the 13 facilities we reviewed was that 11 facilities needed to develop, expand, or update policies and procedures. The types of policies and procedures that were missing, unclear, or outdated ranged from complaint processes, to substance abuse treatment, to records retention.

The next most common observation related to the complaint process. Some of the problems we found at the 13 facilities reviewed included complaint forms were not readily available to youth at 9 facilities; youth files did not contain evidence of a youth's acknowledgement of the right to file a complaint at 5 facilities; there were unclear, inconsistent, or deviations from complaint policies at 4 facilities; and there were no locked complaint boxes at 4 facilities.

Documentation of medication administered to youth at 8 of 13 facilities needs improvement. Specifically, youth medical files did not contain clear documentation of dispensed prescribed medication, medication discrepancies, or there was no evidence of a physician order for medication administered to a youth. In addition, we noted youth medical files were not reviewed by someone independent of the medication process at 4 facilities, and staff did not check for "cheeking" at 3 facilities. Cheeking is a method to conceal medication administered.

In addition, we found some facilities need to strengthen control over access to items considered contraband. A list of items considered contraband was not posted in 9 of 13 facilities; a list of items considered contraband was not developed or needed updating in 5 of 13 facilities; and youth were not searched for contraband or items considered contraband were found on campus at 4 of 13 facilities.