

DEPARTMENT OF JUVENILE JUSTICE
OFFICE OF THE INSPECTOR GENERAL
BUREAU OF INVESTIGATIONS

REPORT OF INVESTIGATION

IG # 15-0103
CCC # 2015-06180
WB # N/A



BRANCH: RESIDENTIAL SERVICES

CHALLENGE YOUTH ACADEMY

DATE OF REPORT: MARCH 28, 2016

INVESTIGATION CONDUCTED BY: INSPECTOR JEFFREY MCGUINESS

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Department of Juvenile Justice
Office of the Inspector General

I. EXECUTIVE SUMMARY

On November 6, 2015, Challenge Youth Academy, Program Director Tracy Emery notified the Department of Juvenile Justice (DJJ) Office of Inspector General (OIG) that Youth Care Worker (YCW) Chantelle Smith reportedly allowed youths to massage her. YCW Smith was also reportedly involved in an inappropriate relationship with youth [REDACTED]. On November 9, 2015, Emery further reported that YCW Smith allegedly allowed three program youths to touch her sexually (PREA) over a two-month period.

The Department of Children and Families (DCF) investigated the allegations under case number 2015-300973-01, and closed the case with no indicators of sexual abuse.

The Hernando County Sheriff's Office (HCSO) investigated the allegations under case number 2015-30488. The case was referred to the State Attorney's Office (SAO), which declined to initiate a criminal prosecution of Smith due to a lack of evidence of a sexual offense.

[Inspector's Note: Challenge Youth Academy administrators terminated Smith's employment on November 10, 2015.]

The OIG concluded the administrative investigation on February 2, 2016.

Based on the interviews conducted and documents reviewed, there was insufficient evidence to prove YCW Chantelle Smith allowed youths [REDACTED] and [REDACTED] to give her a massage. Youths [REDACTED] and [REDACTED] denied any physical contact with Smith. Smith also denied the allegation to DJJ Program Monitor (PM) Katina Horner and there were no reported witnesses or video surveillance. Therefore, the allegation of Violation of Policy/Rule against Smith is **NOT SUSTAINED**.

There was sufficient evidence to prove Smith had an improper relationship with youth [REDACTED], and communicated with the youth inappropriately, via Facebook. There was sufficient evidence to prove Smith used profanity in communicating with youth [REDACTED] on Facebook. Smith admitted to the Facebook contact and her Facebook postings indicated she lead their conversation in the direction of having possible future sexual contact with the youth. Furthermore, youths [REDACTED] and [REDACTED] admitted to speaking with Smith about sexual matters. Although, Smith did not provide a statement regarding these allegations, there was sufficient evidence to conclude she spoke with youths about sexual matters. Therefore, the allegation of Improper Conduct – Staff/Youth Relationship against Smith is **SUSTAINED**.

There was insufficient evidence to prove or disprove the allegations that Smith allowed youths [REDACTED], [REDACTED], and [REDACTED] to fondle or digitally penetrate her body. Youths [REDACTED] and [REDACTED] denied any physical contact with Smith. Although, youth [REDACTED] claimed he kissed and touched Smith's buttocks, there were no reported witnesses or video surveillance to support his claim. Smith did not provide a statement concerning the allegations. Therefore, the allegation of Sexual Abuse (PREA) against Smith is **NOT SUSTAINED**.

Finally, there was sufficient evidence to conclude Smith introduced contraband into the facility. Although, Smith did not provide a statement to the OIG, she admitted to PM Katina Horner that

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she brought her cell phone onto the program's dorm and communicated with youth [REDACTED] via Facebook. Therefore, the allegation of Violation of Policy/Rule against Smith is **SUSTAINED**.

II. INVESTIGATIVE PREDICATE AND BACKGROUND

On November 6, 2015, Program Director (PD) Emery notified the DJJ OIG CCC that YCW Chantelle Smith reportedly allowed youths to give her a massage. Smith also reportedly had an inappropriate conversation with youth [REDACTED] via Facebook, on October 24 and 26, 2015. On November 9, 2015, Emery further reported that on unknown dates Smith allegedly allowed three youths to touch her in a sexual manner (PREA), (*Exhibit 1*).

The Challenge Youth Academy (CYA) is a DJJ contracted program, located in Circuit 5, Hernando County, Florida. It is a 60-bed, non-secure residential facility for 13-18 year old male youths, that provides therapeutic services for mental health and substance abuse disorders. The contract provider is Eckerd Kids.

III. MATTERS INVESTIGATED

Allegation #1: Violation of Policy/Rule

Synopsis – PD Tracy Emery alleged that YCW Chantelle Smith allowed youths to give her a massage.

Applicable Statutes/Rules/Policies/Guidance

Eckerd Policy #B3.01, Interpersonal Relations (Effective 8/31/09)

This policy states in Section III, Procedures/Guidelines, paragraph A, Staff and Clients, (4) "Any contact between staff and clients that is outside the scope of the professional therapeutic relationship is strictly prohibited.

(a) This includes, but is not limited to any contact, or pressure for contact, of a sexual nature.

(b) In addition to the examples of inappropriate verbal and physical conduct described in Eckerd's policy E2.02, Child Abuse and Neglect, the following interactions are considered inappropriate:...giving, or receiving a massage.

Paragraph D., Infractions/Violations (1) Infractions of the above stated policies or guidelines will subject the offending party/ies to disciplinary action, up to and including discharge."

Record Reviews - During the course of the investigation, unless otherwise noted, Inspector McGuinness reviewed the following records:

Department of Juvenile Justice
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CCC Incident/Complaint Report Form #2015-06180 (Exhibit 1)

The report documents PD Emery contacted the CCC on November 6, 2015, reporting that program staff (unidentified) heard youths discussing the massaging of staff Chantelle Smith.

Witness Statement, Teacher Bret Haley, dated November 9, 2015 (Exhibit 2)

Haley reported that on Friday, November 6, 2015, during his class, youths [REDACTED] and [REDACTED] (later identified as [REDACTED] and [REDACTED]) told him something was happening between them and staff Smith. He asked for an explanation but the youths said they would tell him later. According to Haley's statement, during lunch period, he asked youth [REDACTED] what was going on. Youth [REDACTED] said he and youth [REDACTED] had touched staff Smith under her shirt and "fingered" her at night while the other youths slept. Youth [REDACTED] told him other things were also going on between staff Smith and youths [REDACTED] and [REDACTED] (later identified as youth [REDACTED] and [REDACTED]). Haley noted that he subsequently questioned youth [REDACTED], who said nothing sexual was going on between him and staff Smith. However, youth [REDACTED] requested that Haley not say anything (to management), as it would ruin things for other youths. Youth [REDACTED] was also questioned and reportedly told Haley that Smith allowed him to kiss and grab her, and Smith did not do anything about it. Haley then reported this information to Mr. Williams (later identified as Shift Supervisor Curtis Williams).

[Inspector's Note: YCW Smith's alleged sexual contact with program youths is addressed in this report as allegation #3.]

IOC Incident Resolution Form (Exhibit 3)

According to DJJ Program Monitor Katina Horner's IOC form, on November 6, 2015, Teacher Haley overheard youths discussing their inappropriate relationship with Smith and how Smith had also allowed youths to massage her shoulders.

On November 9, 2015, Horner interviewed Smith by telephone. Smith reportedly denied allowing any youth to give her a massage.

Acknowledgment of Prohibited Behaviors (Exhibit 4)

This form reflects that Smith signed on July 24, 2015, that she read and understood program policies that apply to employee behavior, including policy #B3.01 Interpersonal Relations.

[Inspector's Note: The Challenge Youth Academy does not have a video surveillance system in the facility.]

Interviews - Unless otherwise noted, Inspector McGuiness conducted the following interviews, which were sworn and electronically recorded.

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Teacher Bret Haley (Complainant/Witness)

Location of Interview: Challenge Youth Academy

Date of Interview: November 19, 2015

Haley stated the following: He has worked as a teacher at the CYA for nearly two years. On November 6, 2015, he heard youths [REDACTED] and [REDACTED] giggling about something in his class. He asked what they were talking about and the youths said they would tell him later.

After class, he spoke with youth [REDACTED], who said staff Smith had allowed him and youth [REDACTED] to touch her inside of her shirt and pants. After speaking with youth [REDACTED], he approached youth [REDACTED] and asked about staff Smith. Youth [REDACTED] said that nothing physical took place between himself and Smith, however, there was some playful flirtation. Haley said he spoke to youth [REDACTED], who told him Smith had allowed him to kiss her and touch her. Haley said he did not ask the youths any further questions and reported the information to Shift Supervisor Williams. He said he did not speak to youth [REDACTED] about the allegations.

Shift Supervisor Curtis Williams (Witness)

Location of Interview: Challenge Youth Academy

Date of Interview: December 11, 2015

Williams stated the following: He has worked at the CYA for five years. On November 6, 2015, Haley approached him and said he had just spoken to youths [REDACTED], [REDACTED], [REDACTED], and [REDACTED], who reported having inappropriate contact with YCW Chantelle Smith.

According to Haley, youths [REDACTED] and [REDACTED] said staff Smith allowed them to massage her. Youth [REDACTED] was somehow involved with staff Smith, but he could not recall what Haley said about youth [REDACTED]. Haley told him he also spoke to youth [REDACTED], because youth [REDACTED] previously told Haley of hearing rumors about Smith.

Williams stated that he reported Haley's information to PD Emery on November 6, 2015, and she directed him to obtain statements from the youths. Williams said he asked youths [REDACTED] and [REDACTED] for written statements that same day and that they denied having physical contact with Smith, but refused to write statements.

Concerning youth [REDACTED], Williams stated that on November 6, 2015, he spoke with the youth's group treatment coordinator Christal Satchell. She told him youth [REDACTED] had informed her about having contact with staff Smith, via Facebook. Satchell said she had obtained youth [REDACTED] Facebook postings and gave them to PD Emery. Williams said he asked Satchell to prepare a written statement about her conversation with youth [REDACTED] (Exhibit 8). He then obtained written statements from youth [REDACTED] and [REDACTED] (Exhibits 5 and 7).

[Inspector's Note: Youths [REDACTED] and [REDACTED] declined to be interviewed by Inspector McGuinness regarding this matter.]

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Youth [REDACTED] (Victim/Witness)

Location of Interview: [REDACTED]

Date of Interview: December 9, 2015

Youth [REDACTED] stated the following: He was recently released from the CYA and was a resident there for nine months. He was familiar with YCW Chantelle Smith.

He denied he gave Smith a massage or witnessed other youths give her a massage. He said he never had any physical contact with her and had no information regarding anything occurring between Smith and youths [REDACTED] or [REDACTED].

Program Director Tracy Emery (Witness)

Location of Interview: Challenge Youth Academy

Date of Interview: December 15, 2015

Emery stated the following: She has worked at the CYA since July 2005. On Friday, November 6, 2015, she was notified of an allegation regarding a youth having Facebook contact with YCW Smith. She was then further informed of Haley's earlier report of overhearing youths [REDACTED] and [REDACTED] discussing a massage they gave to staff Smith, (on an unknown date).

Emery added that on Monday, November 9, 2015, she spoke with youths [REDACTED] and [REDACTED] and that both youths denied having any physical contact with Smith.

(Former) Youth Care Worker I Chantelle Smith (Subject)

[Inspector's Note: On December 16, 2015, after receiving the certified letter mailed to her residence, Smith contacted Inspector McGuinness by telephone. She stated she was willing to provide a statement regarding the allegations. She was asked to first contact Detective Chris Kraft, of the Hernando County Sheriff's Office. Det. Kraft later advised Inspector McGuinness that he scheduled Smith for an interview, on December 31, 2015, at the Sheriff's Office, but Smith failed to report as agreed. She did not return Kraft's subsequent phone calls.] Inspector McGuinness left messages on Smith's phone on January 6 and 7, 2016, requesting return contact to arrange an interview. As of the date of this report, no contact has been received from Smith. Therefore, she was not interviewed.

Conclusions/Recommendations - Based on interviews conducted and documents reviewed, there was insufficient evidence to prove that YCW Smith allowed youths to give her a massage. Youths [REDACTED] and [REDACTED] denied any physical contact with Smith and Smith denied the allegation to Program Monitor Horner. There were also no identified witnesses or video surveillance. Therefore, the allegation of Violation of Policy/Rule against Smith is **NOT SUSTAINED**.

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Allegation #2: Improper Conduct/Staff-Youth Relationship

Synopsis – PD Tracy Emery alleged that YCW Chantelle Smith engaged in inappropriate communications with youth [REDACTED] on October 24 and 26, 2015, via Facebook. During the course of the investigation, the OIG determined there was sufficient reason to investigate whether Smith used profanity with youth [REDACTED] and spoke with youths about sexual matters.

Applicable Statutes/Rules/Policies/Guidance

FDJJ 1100 Policy – Rights of Youths in DJJ Care, Custody or Supervision

The policy statement states, in part, "Employed or contracted staff will treat youths with the courtesy and dignity inherently due every person. Staff will act, speak, and conduct themselves in a professional manner, recognizing their obligation to maintain public safety, and maintain a courteous, professional attitude in all contacts with the public. Profanity should never be used while on duty."

Eckerd Policy #B3.01, Interpersonal Relations (Effective 8/31/09)

This policy states in Section III, Procedures/Guidelines, paragraph A, Staff and Clients,

- (3) "Contact with clients away from the therapeutic environment or outside of normal and planned job duties is strictly controlled and will never occur without prior supervisory review, written approval, and documentation in the youth's case record.
- (4) Any contact between staff and clients that is outside the scope of the professional therapeutic relationship is strictly prohibited.
 - (a) This includes, but is not limited to any contact, or pressure for contact, of a sexual nature."
 - (b) In addition to the examples of inappropriate verbal and physical conduct described in Eckerd's policy E2.02, Child Abuse and Neglect, the following interactions are considered inappropriate: ...discussing sexual encounters..."

Record Reviews - During the course of the investigation, unless otherwise noted, Inspector McGuinness reviewed the following records:

Department of Juvenile Justice
Office of the Inspector General

CCC Incident/Complaint Report Form #2015-06180 (Exhibit 1)

The report documents that PD Emery contacted the CCC on November 6, 2015, reporting an inappropriate relationship whereby YCW Smith had inappropriate conversations with youth [REDACTED], via Facebook, on October 24 and 26, 2015. Youth [REDACTED] showed Emery his Facebook communications with Smith. Emery then placed Smith on administrative leave.

Witness Statement, Teacher Bret Haley, dated November 9, 2015 (Exhibit 2)

Haley reported that on Friday, November 6, 2015, youth [REDACTED] told him there were things going on in the program between staff Smith and youths [REDACTED] and [REDACTED]. According to Haley's statement, he asked youth [REDACTED] if anything was going on between himself (youth [REDACTED]) and staff Smith. Youth [REDACTED] denied that anything sexual was going on. Youth [REDACTED] asked that Haley not say anything (to management), because he did not want to ruin it for other program youths.

Witness Statement, Youth [REDACTED], dated November 6, 2015 (Exhibit 5)

Youth [REDACTED] alleged that Smith talked to youths about inappropriate subjects and he communicated with her via Facebook.

Facebook Posting Printouts (Exhibit 6)

These records reflect the following:

- [REDACTED] attempted contact with Chantelle Smith, on October 22, at 10:30 and 10:34 p.m.
- Chantelle Smith returned contact on October 24, from 3:33 p.m. through 6:14 p.m.
 - Smith requested [REDACTED] not tell anyone of their contact, as she would likely get in trouble.
 - Smith wrote, "What about what she wanted," in response to [REDACTED] not being able to talk to her in the program, as he wanted to.
 - She commented on youth "[REDACTED]" referring to the youth as a punk.
 - She used profanity, the word "shit" in her communications.
 - Smith hinted of having a plan, to have fun with [REDACTED] during Spring break.
 - Smith noted she was not going to be one of his rotated "thots."
 - Smith noted [REDACTED] would not want to go back once she got hold of him.
 - Smith hinted at taking [REDACTED] off the market, giving him some time to obtain a ring.
- Smith initiated contact with [REDACTED] on October 26, 2015, at 6:26 p.m., asking whether he was back yet (at the program) and if he was okay.

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Witness Statement, Youth ██████████, dated November 9, 2015 (Exhibit 7)

Youth ██████ stated that on November 9, 2015, that he talked with Smith on several occasions about sex, money, and drugs.

Witness Statement, Therapist Christal Satchell, dated November 6, 2015 (Exhibit 8)

Satchell reported that a youth told her he was communicating and flirting with staff Chantelle Williams [sic], via Facebook postings. The youth showed Satchell several of the communications, including one in which the staff stated they did not want to be another "rotated thot." *[Inspector's Note: Satchell acknowledged in her interview that she erroneously wrote Chantelle Williams, when she was actually referring to YCW Chantelle Smith. Satchell also explained "thot" was slang for "that whore over there."]*

Witness Statement, Chantelle Smith, dated November 6, 2015 (Exhibit 9)

Smith reported that (Program Directors) Pat [Girdner] and Tracy Emery informed her of their knowledge of her (Facebook) conversation with youth ██████████. Smith noted that youth ██████████ contacted her while on his home visit for a funeral. At no time did she initiate contact or have any hopes of other inappropriate contact with him. She stopped communicating with him to maintain professional boundaries.

E-mail from Chantelle Smith, dated November 9, 2015 (Exhibit 10)

The E-mail reflects that Smith submitted an additional statement to Emery, on November 9, 2015, in which Smith acknowledged her concern for youth ██████████' loss of his father overruled her judgment of not communicating with the youth. When youth ██████████ communications became more inappropriate, she was thrown off guard. She tried to decline/deflect his advances. Although she should have ceased communication, she continued the contact to avoid an awkward situation with the youth. She acknowledged communicating with youth ██████████ was wrong and she should have used better judgment. She anticipated a further opportunity to explain the content of her communications to preclude any misconstruing of what they meant.

IOC Incident Resolution Form (Exhibit 3)

According to Program Monitor Horner's interview summaries, youth ██████████ reportedly said Smith talked to youths about inappropriate sexual matters. Smith also told him to contact her, via Facebook, when he arrived home for his father's funeral. He communicated with Smith on Facebook, but denied any personal relationship with her.

Smith reportedly said she had Facebook contact with youth ██████████ between October 22 and October 26, 2015, but did not know it was against program policy. Youth ██████████ initially contacted her, but she did not know the contact request came from him. After realizing it was youth ██████████, she did not want to ignore him in case he was in crisis over his father's death. Although she had reservations about doing so, she contacted him on October 24 and 26, 2015. She was not in a relationship with the youth,

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when she nor did she plan to be upon his release. Her reference (in her Facebook postings, *Exhibit 6*) of giving youth [REDACTED] time to buy a ring was meant in humor.

Hernando County Sheriff's Office Report #2015-30488, dated November 9, 2015
(Exhibit 11)

According to Deputy G. Locke's investigation narrative, youths [REDACTED] and [REDACTED] denied having any conversations regarding sexual matters with Smith. Youth [REDACTED] said Smith openly talked with him about sexual activity.

Youth [REDACTED] reported he messaged Smith on Facebook, and at times, the messages turned somewhat sexual. However, he never had any sexual contact with Smith.

HCSO Detective C. Kraft subsequently noted checking Facebook, but that Smith apparently removed her Facebook page.

Acknowledgment of Prohibited Behaviors *(Exhibit 4)*

This form reflects that Smith signed on July 24, 2015, that she read and understood program policies that applied to employee behavior, including policy #B3.01, Interpersonal Relations.

Eckerd Disciplinary Notice *(Exhibit 12)*

According to this notice, Smith's employment was terminated on November 10, 2015, for having contact of an inappropriate nature, via Facebook, with a youth.

Interviews - Unless otherwise noted, Inspector McGuiness conducted the following interviews, which were sworn and electronically recorded.

Teacher Bret Haley (Complainant/Witness)

Location of Interview: Challenge Youth Academy

Date of Interview: November 19, 2015

Haley stated the following: He spoke with youth [REDACTED] on November 6, 2015. Youth [REDACTED] said nothing physical had occurred between himself and Smith, however, there was some playful flirtation.

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Group Treatment Therapist Christal Satchell (Witness)

Location of Interview: Challenge Youth Academy

Date of Interview: November 19, 2015

Satchell stated the following: She has worked at the CYA since July 21, 2015. She learned of youth ██████████ Facebook contact with Smith, on November 6, 2015, when the youth reported it to her after his group therapy session.

She said she allowed youth ██████████ to access his Facebook account in the Program Director's office, to verify whether he had contact with staff Smith, as alleged. She printed their postings and informed Supervisor Williams of the youth's contact with Smith. Williams had her prepare a witness statement, (*Exhibit 8*).

Youth ██████████ (Complainant/Witness)

Location of Interview: Challenge Youth Academy

Date of Interview: November 19, 2015

Youth ██████████ stated the following: He has been in the program for approximately six months. On November 6, 2015, Haley asked him if there was anything going on between himself and staff Smith. Haley said other youths told him rumors about Smith, and the youths mentioned his (youth ██████████) name in connection with Smith.

Youth ██████████ said he decided to tell his counselor, Christal Satchell, about the Facebook contact with Smith, because Haley was going to report the rumors to program management. After telling Satchell about the contact with Smith, a supervisor asked him to write a statement, (*Exhibit 5*).

Regarding his Facebook postings, (*Exhibit 6*) youth ██████████ said that Smith knew his account name was "██████████" because he previously told her so. Before leaving the program for his father's funeral, Smith asked him to message her on Facebook when he got home, to keep her updated. Youth ██████████ acknowledged some of his and Smith's postings concerned possible future sexual contact. However, their messaging was just playful and not serious. He said he never had any more contact with Smith on Facebook, other than those postings.

Youth ██████████ added that Smith also talked to him and other youths about her sex life and sex in general. He said Smith did not seem to care about it, so they asked her questions about sex.

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Youth [REDACTED] (Witness)

Location of Interview: [REDACTED]

Date of Interview: December 9, 2015

Youth [REDACTED] stated the following: He had not witnessed Smith talk about her sex life with anyone.

[Inspector's Note: Youths [REDACTED] and [REDACTED] declined to be interviewed regarding this matter.]

Program Director Tracy Emery (Witness)

Location of Interview: Challenge Youth Academy

Date of Interview: December 15, 2015

Emery stated the following: She became aware of YCW Smith's Facebook contact on November 6, 2015, when youth [REDACTED] reported it to program staff.

She had Smith report to her office that afternoon, upon reporting for duty. When asked the reason for the contact with the youth on Facebook, Smith said, she was concerned for his well-being, due to the loss of his father. She said he had Smith prepare and sign a Witness Statement form, (*Exhibit 9*). She placed Smith on administrative leave and did not question her further. Smith subsequently sent her an E-mail, (on November 9, 2015), in which Smith provided an additional statement regarding the Facebook contact, (*Exhibit 10*). Emery said Smith did not have authorization from program management to have contact with youth [REDACTED] via Facebook, or while he was outside of the program on his home visit.

(Former) Youth Care Worker I Chantelle Smith (Subject)

[REDACTED]

As previously stated, Smith was not interviewed by the OIG concerning the allegation.

Conclusions/Recommendations - Based on interviews conducted and documents reviewed, there was sufficient evidence to prove YCW Smith engaged in an inappropriate relationship and inappropriate communication, via Facebook, with youth [REDACTED]. Although Smith maintained she tried to deflect youth [REDACTED] advances, her postings indicate she lead their conversation in the direction of possible sexual contact with the youth. Additionally, the Facebook postings proved Smith used profanity with youth [REDACTED]. Youths [REDACTED] and [REDACTED] written statements acknowledged Smith spoke with them about sexual matters. Smith did not provide a statement regarding these allegations. However, based on her Facebook contact with youth [REDACTED], there was a sufficient basis to conclude that she spoke with youths about sexual matters. Therefore, the allegation of Improper Conduct – Staff/Youth relationship against Smith is **SUSTAINED**.

Allegation #3: Sexual Abuse (PREA)

Synopsis – PD Emery reported that YCW Smith allegedly allowed three program youths to touch her in a sexual manner (PREA), on unknown dates, over a two-month period.

Applicable Statutes/Rules/Policies/Guidance

FDJJ 1919 Policy – Prison Rape Elimination Act (PREA) Standards Compliance, April 10, 2015

This policy states, "...DJJ has zero tolerance for any acts of sexual abuse, assault, misconduct, or harassment. Sexual activity between staff and juveniles..., is prohibited and subject to administrative and criminal disciplinary sanctions."

FDJJ Policy 1919, PREA Procedures, April 10, 2015

Section 1, definitions states, "Sexual abuse by a staff member..., Includes any of the following acts, with or without consent of the youth:

- (5) Any other intentional contact, either directly or through the clothing..., that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire,"

Record Reviews - During the course of the investigation, unless otherwise noted, Inspector McGuinness reviewed the following records:

Witness Statement, Teacher Bret Haley, dated November 9, 2015 (Exhibit 2)

Haley reported that youth ██████ told him that on November 6, 2015, he and youth ██████ touched staff Smith under her shirt and "fingered" her, at night, while the other youths slept. Staff Smith might also be involved in inappropriate contact with youths ██████ and ██████. According to Haley, when he questioned youth ██████, the youth said Smith allowed him to kiss her and grab her.

Witness Statement, Youth ██████, dated November 9, 2015 (Exhibit 13)

Youth ██████ reported that he had conversations with staff Smith about his life plans, but never had a sexual relationship with her. He added that Haley took what he said out of context and he did not do the things people said he did.

Witness Statement, Youth ██████, dated November 9, 2015 (Exhibit 14)

Youth ██████ stated he had no idea if anything was going on with staff Smith.

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Witness Statement, Youth [REDACTED], dated November 6 and 9, 2015 (Exhibit 7)

Youth [REDACTED] stated on November 6, 2015, he talked after hours with Smith about two staff members, but that nothing sexual occurred.

He added that on November 9, 2015, he talked with Smith on several occasions about sex, money, and drugs and that he kissed her on the neck and touched her on the buttocks, over her clothing.

Hernando County Sheriff's Office Report, #2015-30488 (Exhibit 11)

According to Deputy G. Locke's investigation narrative, PD Emery reported that Haley notified her that youths [REDACTED] and [REDACTED] had sexual contact with staff Smith. The youths kissed Smith, touched her over her shirt, and touched her vaginal area with their hands, penetrating her. The youths implicated youths [REDACTED] and [REDACTED] in other possible inappropriate contact with Smith.

Deputy Locke interviewed youths [REDACTED] and [REDACTED] who reportedly denied any sexual contact or sexual conversations with Smith. Youth [REDACTED] also denied any sexual contact with Smith.

Youth [REDACTED] advised that he kissed Smith on the neck and touched her on the buttocks after other youths went to sleep. The contact occurred several months ago and he could not provide a specific date.

According to Detective Kraft's investigative supplement, on November 12, 2015, youth [REDACTED] refused to provide a further statement. Youth [REDACTED] denied any sexual contact with Smith. Youth [REDACTED] initially denied he and Smith ever touched each other sexually. When reminded that he provided a prior statement to Deputy Locke, in which he admitted sexual contact with Smith; youth [REDACTED] conceded his earlier statement to the deputy was accurate. Youth [REDACTED] was not interviewed, since he was no longer in the program.

Detective Kraft noted the case would remain active, pending his interview with Chantelle Smith.

SkillPro DJJ Individual Training Report (Exhibit 15)

This record reflects that YCW Smith received the requisite training on PREA on August 3 and 31, 2015.

Interviews - Unless otherwise noted, Inspector McGuiness conducted the following interviews, which were sworn and electronically recorded.

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Teacher Bret Haley (Complainant/Witness)

Location of Interview: Challenge Youth Academy

Date of Interview: November 19, 2015

Haley stated the following: Youth [REDACTED] told him staff Smith allowed him (youth [REDACTED]) and youth [REDACTED] to touch inside of her shirt and pants. The youth did not describe how he touched under Smith's shirt.

When asked if the youth described what "fingering" meant, Haley said, youth [REDACTED] did not go into any detail but reported penetrating staff Smith, digitally. The youth did not indicate when the contact occurred or whether there were any witnesses. He did not speak with youth [REDACTED] about the allegations.

According to Haley, youth [REDACTED] stated that Smith allowed him to kiss and touch her.

Youth [REDACTED] (Victim)

Location of Interview: [REDACTED]

Date of Interview: December 9, 2015

Youth [REDACTED] stated the following: On November 6, 2015, he spoke with Haley after class and Haley told him he heard rumors about staff Smith. He told Haley he knew nothing of any rumors about Smith.

When shown Haley's written statement (*Exhibit 2*); which notes he informed Haley of touching Smith sexually, he said he had no idea what Haley was talking about. He said he never made that statement and he had no sexual contact with Smith and never touched her in any manner. He added that he had no idea why Haley would say he had.

[Inspector's Note: Youths [REDACTED] and [REDACTED] declined to be interviewed by Inspector McGuinness regarding this matter.]

Program Director Tracy Emery (Witness)

Location of Interview: Challenge Youth Academy

Date of Interview: December 15, 2015

Emery stated the following: On Monday, November 9, 2015, she spoke with youths [REDACTED] and [REDACTED] and they denied any physical contact with Smith.

When asked why she obtained a subsequent written statement from youth [REDACTED], on November 9, 2015, Emery stated there is a concurrent IG investigation at the program regarding staff Danielle Bolcar and Douglas Sheffield, (IG case #15-0089, CCC #2015-05369), who are mentioned in youth [REDACTED] November 6, 2015, statement. She explained that YCW's Bolcar and Chantelle Smith are friends outside of work. She further stated that sometime in October 2015, program staff on the athletic field saw youth [REDACTED] having a long conversation with Smith, when the youth should have been inside his dorm. To preclude the possibility of Smith influencing the youth regarding that investigation, she reassigned

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Smith away from youth [REDACTED]. On November 9, 2015, when she questioned youth [REDACTED] about that October conversation with Smith, the youth admitted to having physical contact of a sexual nature, with Smith that date. Youth [REDACTED] told her that Smith allowed him to kiss her on the neck and to touch her on the buttocks and there were no witnesses to their physical contact. She said she had youth [REDACTED] prepare the subsequent statement to document his admission of physical contact with Smith.

[Inspector's Note: Youth [REDACTED] and [REDACTED] statements from November 6, 2015, did not indicate any physical or sexual contact with Smith.]

(Former) Youth Care Worker I Chantelle Smith (Subject)
[REDACTED]

As previously stated, Smith was not interviewed by the OIG concerning this allegation.

Conclusions/Recommendations - Based on interviews conducted and documents reviewed, there was insufficient evidence to prove that YCW Smith allowed youths [REDACTED], [REDACTED], and [REDACTED] to touch her in a sexual manner. Youths [REDACTED] and [REDACTED] denied any physical or sexual contact with staff Smith. Although youth [REDACTED] stated he kissed and touched Smith on the buttocks, there were no witnesses to corroborate his claim. YCW Smith did not provide a statement regarding these allegations. Therefore, the allegation of Sexual Abuse (PREA) against Smith is **NOT SUSTAINED**.

Allegation #4: Violation of Policy/Rule

Synopsis – During the course of the investigation, the OIG determined there was sufficient reason to investigate whether YCW Smith brought contraband (her cell phone) into the facility and around youth, in violation of policy or rule.

Applicable Statutes/Rules/Policies/Guidance

Challenge Youth Academy Facility Contraband Acknowledgment

This form states in part, "...I will not have my cell phone, personal keys, or smoking materials on my person while in the presence of youth... By signing this acknowledgment, I am aware that if I am in violation of any of these standards, I will receive disciplinary action."

Record Reviews - During the course of the investigation, unless otherwise noted, Inspector McGuinness reviewed the following records:

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IOC Incident Resolution Form (Exhibit 3)

According to Program Monitor Horner, YCW Smith said she was on duty on October 26, 2015, while communicating with youth [REDACTED], on Facebook, via her cell phone. She said she thought she could have her phone on the dorm as long as she did not use it in front of the youths. She claimed she was either in the supervisor's office on the dorm or in her car, while communicating with youth [REDACTED]. *[Inspector's Note: A Supervisor's Shift Report for October 26, 2015, on file in the investigation folder, confirmed Smith worked that date from 2:30 p.m. to 10:30 p.m.]*

Facility Contraband Acknowledgment (Exhibit 16)

This form reflects that staff Smith agreed and signed on October 12, 2015, that she would not have her cell phone on her person while in the presence of the youths, and if found with the item, she could be immediately terminated.

Interviews - Unless otherwise noted, Inspector McGuinness conducted the following interviews, which were sworn and electronically recorded.

(Former) Youth Care Worker I Chantelle Smith (Subject)

As previously stated, Smith was not interviewed by the OIG concerning this allegation.

Conclusions/Recommendations - Based on interviews conducted and documents reviewed, there was sufficient evidence to conclude that YCW Smith brought contraband into the program. Smith admitted bringing her cell phone into the program's dorm area on October 26, 2015, and communicating with youth [REDACTED] while on-duty. Therefore, the allegation of Violation of Policy/Rule against Smith is **SUSTAINED**.

IV. ADDITIONAL MATTERS

Other Investigative Activities

Haley's statement (*Exhibit 2*) indicates that he learned of the youth's allegations on November 6, 2015, and then notified Supervisor Curtis Williams. However, the statement was dated November 9, 2015. Haley stated in his interview with Inspector McGuiness, that he notified Williams of the allegations on November 6, 2015. When asked to comment on this, Supervisor Williams said Haley reported that youths ██████ and ██████ said Smith allowed them to give her a massage. He could not recall what Haley said about youth ██████. Haley also said he talked to youth ██████. When Williams was shown that Haley's statement contained the allegation that youths touched Smith in a sexual manner, Williams said, he specifically recalled that Haley talked about the youths massaging Smith. Haley also said there might be other things going on. He had no recollection of Haley telling him that youths had touched under Smith's shirt, or digitally penetrated Smith. Williams said it was possible Haley could have told him this information. He had not written down what Haley said, nor did he obtain a written statement from Haley on November 6, 2015. When asked about Haley's statement, noting youth ██████ grabbed and kissed staff Smith, Williams said youth ██████ did not tell him anything about inappropriate physical contact with Smith on November 6, 2015. He was not aware of any sexual allegations by the youths. Furthermore, he was not present on November 9, 2015, when Haley wrote the statement for PD Emery. *[Inspector's Note: Youth ██████ and ██████ statements from November 6, 2015, do not indicate they had inappropriate physical or sexual contact with Smith.]*

PD Emery stated she became aware of this incident on Friday, November 6, 2015, when youth ██████ reported having conversations with Smith, via Facebook. While following up on that allegation, she was further informed that Haley had reported overhearing youths ██████ and ██████ discussing a massage they gave Smith on an unknown date. She reported this information to the CCC on November 6, 2015. *[Inspector's Note: The CCC recording for November 6, 2015, supports Emery's statement.]* She had no indication at that time, of any other allegations by program youths involving staff Smith.

Emery stated that on Monday, November 9, 2015, she did not know the exact details of what the youths told Haley, until she read his witness statement and subsequently spoke with him. When she learned youths ██████, ██████, and ██████ reportedly touched Smith, sexually, she conferred with DJJ Program Monitor Katina Horner, and notified the CCC, State Abuse Registry, and local law enforcement.

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Coordination with Law Enforcement

On November 9, 2015, the Hernando County Sheriff's Office commenced a criminal investigation into the allegations under case number 2015-30488. Therefore, a referral to the Florida Department of Law Enforcement was unnecessary.

Coordination with Management

Coordination with management was not necessary.

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V. EXHIBITS

1. CCC Incident/Complaint Report Form #2015-06180, dated November 6, 2015
2. Witness Statement, Teacher Bret Haley, dated November 9, 2015
3. IOC Incident Resolution Form, Re: CCC 201506180
4. Acknowledgment of Prohibited Behaviors, dated July 24, 2015
5. Witness Statement, Youth [REDACTED], dated November 6, 2015
6. Facebook Posting Printouts
7. Witness Statement, Youth [REDACTED], dated November 6 and 9, 2015
8. Witness Statement, Therapist Christal Satchell, dated November 6, 2015
9. Witness Statement, YCW Chantelle Smith, dated November 6, 2015
10. E-mail String from Chantelle Smith, dated November 9, 2015
11. Hernando County Sheriff's Office Report #2015-30488, dated November 9, 2015
12. Eckerd Disciplinary Notice, dated November 10, 2015
13. Witness Statement, Youth [REDACTED], dated November 9, 2015
14. Witness Statement, Youth [REDACTED], dated November 9, 2015
15. SkillPro DJJ Individual Training Report, Re: Chantelle Smith
16. Facility Contraband Acknowledgment Form, dated October 12, 2015
17. Correspondence Sent to Provider & Subject(s), dated February 19, 2016
18. Return Correspondence Tracking Receipts
19. Eckerd Return Comments received February 29, 2016

VI. STATEMENT OF ACCORDANCE

Section 20.055, Florida Statutes, establishes an Office of Inspector General in each state agency to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government. In carrying out the investigative duties and responsibilities specified in this section, each inspector general shall initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government.

All OIG personnel have completed appropriate documentation regarding their conduct as set forth by the OIG Investigations Independence Statement. The investigation was conducted in accordance with guidance from the Associations of Inspectors General handbook.

Affected Entity/Individual Coordination

On February 19, 2016, in accordance with Section 20.055(6)(e) Florida Statute, a copy of this completed investigative report was provided to Eckerd Youth Alternatives, a specific entity contracting with the state, and to Youth Care Worker Chantelle Smith, an individual(s) substantially affected as defined by Section 20.055(6)(e). *Exhibit 17*

On February 29, 2016, correspondence was received Eckerd indicating they did not have any comments. *Exhibit 19*

No response was received from Smith.

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VII. DISTRIBUTION LIST

Action Official Distribution:

This report is distributed with all exhibits and attachments for action to:
 Laura K. Moneyham, Assistant Secretary for Residential Services

Information Distribution:

Copies of the Executive Summary, without exhibits or attachments, have been distributed electronically to:

 Christina K. Daly, Secretary
 Timothy Niermann, Deputy Secretary
 Fred Schuknecht, Chief of Staff
 Heather M. DiGiacomo, Director of Communications

Files:

The original of the complete report has been placed in the Investigation File.