

Department of Juvenile Justice
Office of the Inspector General

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

REPORT OF INVESTIGATION
IG # 13-0017
CCC # 2013-00660



ST. JOHNS YOUTH ACADEMY

DATE OF REPORT: FEBRUARY 25, 2014

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DIRECTED BY: BRIAN A. DONALDSON, CHIEF OF INVESTIGATIONS
APPROVED BY: ROBERT A. MUNSON, INSPECTOR GENERAL *RAM*

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CASE ASSIGNMENT:

On February 20, 2013, this case was assigned to Inspector Linda Offutt and Investigations Coordinator Rick Bodnar was assigned responsibility for case supervision. This case was directed by former Chief of Investigations Michael K. Bowen and subsequently reviewed by the current Chief of Investigations Brian A. Donaldson.

SUBJECT(S):

Former Food Service Worker Dwayne Ross
Former Youth Care Worker Eric Kearse
Youth Care Worker Lawrence Brown
Acting Supervisor Gary Wellon

VICTIM(S):

Youth

MATTER(S) INVESTIGATED:

Allegation 1: Sexual Misconduct (PREA)/ Violation of Policy

Allegation 2: Violation of Policy/Improper Supervision

PERIOD OF REPORT:

1/20/2013 to 02/25/2014

CASE STATUS:

Referred for Action: Action official must provide the Inspector General with a Report of Action taken for Wellon.

I. EXECUTIVE SUMMARY

On February 19, 2013, St. Johns Youth Academy (St. Johns YA) Assistant Facility Administrator (AFA) Edward Reed notified the Department of Juvenile Justice (DJJ) Office of Inspector General (OIG) Central Communications Center (CCC) that youth _____ told his therapist Jessie Love-Belle that Trinity Services Group contracted kitchen Food Service Worker Dwayne Ross escorted youth _____ out of the dorm and into the kitchen on February 18, 2013. While in the kitchen office, Ross performed oral and anal sex on youth _____ and he performed oral sex on Ross (*Exhibit 1*).

On February 20, 2013, this investigation was assigned to Inspector Linda Offutt; however, the OIG investigation was temporarily suspended because the St. Johns County Sherriff's Office (SJSO) had initiated a criminal investigation.

On March 6, 2013, Detective Thomas Marmo advised Inspector Offutt the OIG could commence the administrative investigation. The case was completed on February 25, 2014.

The SJSO investigated the allegations and provided Inspector Offutt a copy of their report, (*See Exhibit 10*). Detective Lyman Hall reported that he prepared a Charging Affidavit, stating there was probable cause to believe Ross violated the law and did engage in sexual activity with youth _____ and their case was closed. Detective Hall further advised Inspector Offutt the case was forwarded to the State Attorney's Office (SAO), 7th Judicial Circuit for a filing decision. *{Inspector's Note: As of December 3, 2013, the criminal case remains pending with the SAO for a filing decision.}*

Based on the interviews conducted and documents reviewed, there was sufficient evidence to support the allegation of sexual misconduct raised by youth _____. Although there were no witnesses to the incident, no video in the kitchen office, and Ross was not interviewed due to the pending criminal charges, law enforcement found probable cause to believe Ross engaged in sexual activity. Therefore, the allegation of Sexual Misconduct (PREA) and Violation of Policy against Ross is **SUSTAINED**.

During the course of the investigation, it was discovered that Youth Care Workers (YCW) Lawrence Brown and Eric Kears and Acting Supervisor Gary Wellon saw youth _____ in the kitchen alone with Ross (a non-facility staff) and failed to maintain direct supervision by leaving the youth alone with Ross, even though the facility policy states, "youth are never to be out of direct supervision of [facility] staff". Based on interviews conducted and documents reviewed, there is sufficient evidence to support the allegation of Violation of Policy related to Improper Supervision for Brown, Wellon, and Kears. Therefore, the allegation is **SUSTAINED** against all three individuals.

{Inspector's Note: Kears was terminated effective May 24, 2013 related to this incident. Brown was suspended for 14 days and Wellon did not receive any discipline. Ross was suspended by

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his employer Trinity Services Group on February 19, 2013, and not permitted back to the facility. Since Ross was not YSI staff, he could not be terminated.)

II. INVESTIGATIVE PREDICATE AND BACKGROUND

On February 19, 2013, AFA Reed notified the CCC that youth [redacted] reported that Ross escorted him out of the dorm and into the kitchen on February 18, 2013, and while in the kitchen office, they engaged in sexual acts.

St. Johns YA is a DJJ contracted residential program, operated by Youth Services International, Inc. (YSI). It is located in Circuit 7, St. Augustine, St. Johns County, Florida. St. Johns YA is a 34-bed moderate-risk facility for male youths, which provides residential substance abuse treatment. The referenced incident occurred in the kitchen office.

During the course of the internal investigation, it was determined that YCW Cortney Smith, who was assigned to Master Control and YCW Ottoine Wright, who was assigned to the dorm, were responsible for youth [redacted] being released from the dorm to Ross and was allowed to move to the kitchen. The investigation resulted in "Sustained" findings against Smith and Wright for violation of St. Johns Residential Facility policy, "Youth Counts and Census Tracking" and they were terminated, effective March 14 and March 15, 2013. Therefore, no attempts were made to interview them.

III. MATTERS INVESTIGATED

Allegations #1: Violation of Policy [Sexual Misconduct (PREA)]

Synopsis - Youth [redacted] alleged that Ross performed oral and anal sex on him on February 18, 2013, in the kitchen office.

Applicable Statutes/Rules/Policies/Guidance

Section 985.701; Florida Statute (FS), Sexual misconduct prohibited; reporting required; penalties

In section (1)(a) 2, it states, "An employee who engages in sexual misconduct with a juvenile offender detained or supervised by, or committed to the custody of, the department commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. An employee may be found guilty of violating this subsection without having committed the crime of sexual battery. 3. The consent of the juvenile offender to any act of sexual misconduct is not a defense to prosecution under this subsection."

Florida Department of Juvenile Justice Policy #1100; Rights of Youths in DJJ Care, Custody or Supervision

This policy 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

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themselves in a professional manner, recognizing their obligation to maintain public safety, and maintain a courteous, professional attitude in all contacts with the public."

Youth Services International [Policy] Number 3-3, "Employee Standards of Conduct" Section IV, A, states the Employee Standards of Conduct: Policies for employee performance and conduct include, but are not limited to the following:

#15. "Employees will refrain from engaging in behavior which is criminal in nature or which would bring discredit upon YSI and/or the contracting agency."

#25. "Employees are prohibited from engaging in, or allowing another person to engage in sexual behavior with a resident. Regardless whether force is used or threatened, there can be no "consensual sex" between an employee and a resident."

Record Reviews - During the course of the investigation, the following records were reviewed by Inspector Offutt. *{Inspector's Note: The witness statements were verified with the witness and the content was discussed and noted in their interview.}*

Jessie Love-Belle's Witness Statement (Exhibit 2)

The record indicates on February 19, 2013, youth _____ reported to Love-Belle that he had sex with Dwayne [Ross] on Monday, February 18, 2013, in the kitchen office.

Youth _____ ; Witness Statement, dated February 20, 2013 (Exhibit 3)

The record indicates youth _____ had sex with Ross in the kitchen office.

AFA Reed's Investigation Summary Report, dated February 21, 2013 (Exhibit 4)

The record indicates Reed conducted an internal investigation consisting of interviewing youth _____, reviewing staff statements, and the video coverage. The video verified Ross left the kitchen and went to Level 6 to retrieve youth _____ from "C" dorm and escorted him to the kitchen. The video showed they were in the kitchen office for over 20 minutes. Ross is seen coming out of the office every time a YSI staff enters the kitchen and then returns to the office when staff leaves. Reed determined that Wright and Smith failed to adhere to facility policy by permitting Ross to retrieve youth _____ from the dorm. There were Substantiated findings against Smith, Wright, Brown, and Ross for "Supervision of Youth" as it related to allowing the youth to be removed from the dorm and in the kitchen without YSI staff present.

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Medical Evaluation by [Facility] Dr. Yari Marcucci (Exhibit 5)

The record indicates youth _____ had "tear-superior area of the anal area."
{Inspector's Note: The superior area was identified by Dr. Marcucci as at the top of the anus.}

Medical Progress Notes, Licensed Practical Nurse (LPN) Eugenia Gagnon (Exhibit 6)

The record indicates youth _____ had a physical exam on February 20, 2013, because he stated he engaged in sexual acts on Monday, February 18, 2013.

Kitchen Floor Plan (Exhibit 7)

This record shows the layout of the kitchen including the location of the kitchen office and the cameras.

Surveillance Video Review (Exhibit 8)

On April 18, 2013, Inspector Offutt met with Supervisor Randy Villalobos and Unit Manager Courtney James, who identified the staff in the videos and areas of the kitchen. Camera 12 covered the Level 6 area, where youth _____ was housed. Camera 16 covered the entrance to the kitchen and general kitchen area and Camera 15 covered the hallway to/from the kitchen office. A review of the videos showed the following relevant information:

- At 17:28:19 Ross enters Level 6 and stands by a large food cart just outside the dorm while youth _____ exits the dorm with a food tray and goes out of camera view with Ross heading towards a hallway that leads to the kitchen (Camera 12).
- At 17:33:24 youth _____ enters the kitchen holding a food tray and Ross enters behind him (Camera 16).
- At 17:33:48 Ross enters the kitchen office and youth _____ enters after him (Camera 15).
- At 17:35:59 Brown enters the kitchen at which time Ross exits the kitchen office and walks up the hallway (Camera 16 then Camera 15).
- At 17:36:19 Brown leaves the kitchen (Camera 16).
- At 17:38:34 Ross enters the kitchen office and remains in the office with youth _____ for approximately 8 minutes and 16 seconds (Camera 15).
- At 17:46:50 Wellon enters the kitchen (in a green shirt) pulling a silver [food] cart at which time Ross exits the kitchen office and walks into the kitchen area and hands Wellon what appeared to be a sandwich. Ross returns to the hallway and enters the storage room. Wellon walks down the hallway and remains by the storage room until Ross exits the storage room; then Wellon leaves the hallway

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area and exits the kitchen while Ross enters the kitchen office. (Cameras 15 and 16) *{Inspector's Note: The youth never comes out of the office.}*

- At 17:50:50 Kearsse enters the kitchen (in a green shirt/bald) and walks towards the kitchen hallway at which time, Ross exits the kitchen office and walks into the hallway to meet Kearsse. Kearsse walks back into the kitchen area while Ross remains in the hallway. Kearsse exits the kitchen at 17:51:18 and Ross remains standing in the hallway looking into the kitchen office. Ross appears to be stretching (arms extended out), then appears to put his hands under his apron in his crotch area. (Cameras 15 and 16)
- At 17:52:27 Ross walks out of the hallway and then comes back and enters the kitchen office. (Cameras 15 and 16)
- At 17:53:18 Ross exists the kitchen office. Next, he is seen coming into the kitchen pushing a big grey cart, with a small cart with a blue cooler rolled into the kitchen. The coverage never shows him leaving the kitchen. Then Brown comes into the kitchen behind the small cart pulling a big grey cart. Ross assists him with the cart. (Cameras 15 and 16)
- At 17:54:15 youth exits the kitchen office and enters the kitchen area where Ross and Brown are present with the cart. (Cameras 15 and 16)
- At 17:58 Ross enters the kitchen pulling a small cart with red trays and Wellon enters after Ross. Youth is washing dishes. Wellon remains in camera view and exists the kitchen at 17:59:18. (Camera 15)
- At 17:57:15 Ross and youth are in the hallway leading to the dorm. Youth is tucking in his shirt and they go out of camera view. About 10 seconds later, Ross comes into camera view alone heading back out of the hallway. (Camera 2) *{Inspector's Note: It appears the time is off on this camera since Camera 16 showed them still in the kitchen at this time.}*

Trinity Services Group, Inc. Employee Counseling Report (Exhibit 9)

The record was reportedly completed by [Kitchen Manager] Ron Gunn on February 20, 2013, and indicated Ross was suspended until the investigation by YSI for sexual assault on a youth is completed.

SJSO Offense Report, Agency Case # 13-AFF001975 (Redacted Copy), (Exhibit 10)

This record indicated the following:

- On February 18, 2013, at 6:40 p.m., Deputy Loren Schneider responded to the facility in reference to a possible rape that occurred on February 18, 2013, between 6 p.m. and 7 p.m.
- Deputy Schneider spoke with the victim [youth] and Wellon. Youth reported he was in the kitchen office and had oral and anal sex with Ross and that Ross used his cell phone to show him photos of Ross' penis and "She-males." Youth stated Ross threatened to "fuck him up" if this got out. Wellon reported he did not see anything or hear anything that went on in the kitchen and each time he entered the kitchen, he was met at the door by Ross.

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- Detective Thomas Marmo reported he interviewed youth [redacted] and attempted to contact Ross at two different telephone numbers, but to no avail.
- *{Inspector's Note: Detective Marmo indicated he received a call from FDLE [Florida Department of Law Enforcement] Agent Jason Kriegsman, who advised Ross was arrested the previous week, in Orlando in reference to 10 counts of possession of child pornography.}*
- Detective Lyman Hall wrote that he attempted to interview Ross on several occasions, but met with negative results.
- Detective Hall wrote he reviewed the security footage dated February 18, 2013, and it showed youth [redacted] and Ross entered the kitchen at 17:33:25 and the longest time Ross and youth [redacted] were alone in the kitchen office was 8 minutes and 16 seconds. The video showed Ross in and out of the kitchen office each time someone entered and exited the kitchen.
- The probable cause narrative, dated May 17, 2013, indicated there was probable cause to believe Dwayne Ross violated the law by engaging in sexual activity with the victim (MM) a minor 16 years of age, while the defendant [Ross] was 26 years of age.

Interviews - The following interviews were conducted by Inspector Offutt and all interviews were sworn and electronically recorded, unless otherwise noted.

Youth [redacted], (Victim/Complainant)

Location of Interview: Okeechobee Youth Development Center

Date of Interview: April 4, 2013

Youth [redacted] stated the following: He was at the facility from July 7, 2012 until March 7, 2013. He acknowledged his witness statement on February 20, 2013, and said everything he wrote was accurate and truthful. Youth [redacted] stated he had left out that Ross said he would "fuck me up," if this got out (*See Exhibit 3*).

According to youth [redacted] on February 18, 2013, he was in his dorm [Pod C] and during dinner, about 5 p.m., Ross came to the dorm, took him out and brought him to the kitchen to wash dishes and sweep. Youth [redacted] stated that O. (Ottoine) Wright may have let him out of the dorm to go with Ross. About 5:30 p.m., while alone in the kitchen, Ross asked youth [redacted] to come in the kitchen office because Ross wanted to show him something on his cell phone. Once in the office, the door remained open so Ross could hear if someone came in [to the kitchen]. Ross then showed him a picture of his penis and of transsexuals. Ross started talking about how crazy his sex life was and told youth [redacted] that Ross's girlfriend, Adrianna (last name unknown) and Ross had a very kinky relationship. While looking at the pictures, youth [redacted] asked if he could see it, meaning his penis. Ross unzipped his pants and pulled out his penis. Youth [redacted] initiated a sex act by pulling Ross closer to him and began to give Ross oral sex. That lasted about two minutes and Ross did not ejaculate. Ross took two pictures of youth [redacted] giving him (Ross) oral sex. According to youth [redacted] Ross performed anal sex on him (youth [redacted]), which lasted about

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five minutes. After that, Ross performed oral sex on youth [redacted] which lasted about three minutes. They French kissed (with their tongues) after the last sex act.

Youth [redacted] stated that during the sex acts, while Ross was giving him oral sex, Ross heard someone come in the kitchen, and he stopped. Youth [redacted] said he did not hear anyone. Ross went out and saw Wellon getting some bread. Youth [redacted] stated he never spoke to Wellon, saying, "I don't think so, I can't remember." When asked if someone else came in besides Wellon, he initially said no, but later acknowledged he saw Brown enter the kitchen to return dinner trays while he (youth [redacted]) was washing dishes, which was before youth [redacted] went to the office. When asked if he recalled if Kearse came in, youth [redacted] / said "Yes, he came in too, perhaps to get a spoon and some ketchup and mustard." When asked if he and Kearse spoke, he said Kearse might have said hi. He stated those two staff just came in and they left within a minute or two.

According to youth [redacted], when Ross was walking him back to the dorm, Ross said if he told anyone Ross would "fuck him up". After youth [redacted] got back to his dorm, he told youths [redacted] and [redacted] what happened and they were surprised. *{Inspector's Note: Inspector Offutt spoke to youth [redacted] who confirmed youth [redacted] told him he had sex with the light skin male kitchen staff with dreads (name unknown). Youth [redacted] stated he told youth [redacted] he was surprised, because he did not know that the kitchen staff was gay. When asked if youth [redacted] told him any details, youth [redacted] said no just that it happened in a room in the kitchen. Attempts to contact former youth [redacted] were unsuccessful.}*

Youth [redacted] stated that the next day, he was examined by the female facility doctor. He stated his anus was swollen and had a red spot. He stated from the time he had anal sex with Ross until the time he was examined by the doctor, he did not have sex with anyone else.

He further stated O. (Ottoine) Wright was aware Ross took him out of the dorm, because master control staff would have seen Ross come through the door. Youth [redacted] stated Ross did not pre-arrange to come get him; it just happened.

Youth [redacted] further stated that Ross told him he wanted to see him when he got out and gave youth [redacted] his Facebook name, which was "Dwayne Ross." However, every time he tried to look it up, it did not pop up. When asked how he tried to look it up, youth [redacted] stated he used Ross' cell phone and a staff whose last name was Walker, who worked on B shift. *{Inspector's Note: Inspector Offutt spoke with YCW Danate Walker, who recalled a time when youth [redacted] asked to use his cell phone but he told him no. He stated he had his phone in the secure area by accident, because he had left work, but while in the parking lot, was called back in to work by another shift and forgot to leave his phone in his car.}*

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Therapist Jessie Love-Belle (Witness)

Location of Interview: St. Johns YA

Date of Interview: April 4, 2013

Love-Belle stated the following: On February 19, 2013, about 1:30 p.m., as group therapy was about to start, youth [redacted] was acting excited and said he had to tell her something. She told him to wait, but eventually whispered to her that he had an affair. She told him to sit down. He said he wanted to talk to her after the group. Later, youth [redacted] came to Love-Belle's office and was still excited. They were alone and youth [redacted] said, "Ms. Love, I got me some D," which she knew to mean "dick." She thought he was playing around and he might have been referring to another youth. He said, "It wasn't a boy. It was a staff." She asked who and he said Dwayne [Ross]. Love-Belle stated she asked who that was, since she did not know all the staff. He told her it was the guy with the dreads [hair]. She asked him where it happened and he said in the kitchen. She asked him how he got to the kitchen, but she did not remember him telling her how or who, because she told him she had to report it. She did not ask him any further details.

Love-Belle stated she was present when youth [redacted] told Reed what happened and that is when she learned the details about the sex acts.

Love-Belle acknowledged her written statement and explained that when she used the term "these administrators," she was referring to Reed and Clinical Director Stephanie Savo, (*See Exhibit 2*).

AFA Edward Reed (Witness)

Location of Interview: St. Johns YA

Date of Interview: April 16, 2013

Reed stated the following: He completed the internal investigation report dated February 21, 2013, shown to him by Inspector Offutt, (*See Exhibit 4*). Reed verified the information in the report was accurate and truthful.

According to Reed, on Tuesday, February 19th, [2013] Love-Belle told him that youth [redacted] alleged that he and Ross had consensual sex in the kitchen office on Monday the 18th [February]. He immediately had youth [redacted] come into the office with Love-Belle and Savo and asked youth [redacted] to tell him (Reed) what happened. Reed stated he notified law enforcement, who responded that day. The deputy informed Reed they would not be sending youth [redacted] for a rape test kit, since the youth had taken a shower and washed his clothes.

Reed stated he initiated an internal investigation that evening, which involved gathering statements from staff that were there that night. According to Reed, youth [redacted] told Reed the following: Ross had showed him pictures of "She Men's" on his cell phone and they had been flirting with each other for a while. Youth [redacted] told Ross to

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stop with the flirting and "do what we have to do." Ross then took youth to the kitchen area where he performed oral sex on Ross. Ross then performed oral sex on youth and it was at that point that Ross asked youth to pull down his pants and lean over the desk. Ross then penetrated youth anally. Reed asked youth if either he or Ross used condoms and youth said "no." Youth told Reed in a second interview, that Ross has a mole at the base of his penis.

Reed stated youth was initially confused on what day the incident occurred. The confusion occurred because youth said the front office staff was not working that day (of the incident) and therefore, he assumed the incident occurred on Sunday (February 17, 2013). However, Monday (February 18, 2013) was a holiday, President's Day, and the front office staff was not present.

Reed continued to state that on February 19, 2013, he contacted Mr. Ron [Gross], the Trinity Services Group Kitchen Manager, and advised Gross of the allegation made against Ross. Reed stated he then spoke to Ross on the phone and disclosed the allegations to him; however, Ross denied the allegations and said he never had youth in the kitchen area. Reed said he then asked Ross how he could identify the youth since he (Reed) never disclosed the name of the youth to him or Gross. According to Reed, Ross said, "I know it was him and nothing happened between us. I did not have any type of sexual encounters with [youth]." Reed said he told Ross that he was prohibited from returning to the facility until further notice.

Reed further stated youth was seen by the facility doctor the next day [February 20, 2013] who advised Reed the exam showed youth had tears to the anal area from penetration.

Reed said there is a sign on the kitchen door, which reads, "No youth are to be in the kitchen unless supervised by YSI staff", (See Exhibit 12). Reed said this sign has been posted for approximately eight to nine months. Reed said staff are consistently reminded verbally at staff meetings and shift briefings that youth are not allowed in the kitchen area without YSI staff supervision. According to Reed, Ross is a Trinity Services Group employee and not considered a YSI staff member. Trinity Services Group members do not attend staff meetings or shift briefings and wear distinct uniforms that identify them as Trinity Services Group workers.

Reed stated that Brown received a 14-day suspension, because he admitted he walked into the kitchen and witnessed youth and Ross washing dishes together but did not report it to anyone. Reed added that Ross was found to be in violation of not having a YSI staff present when he escorted the youth from the dorm to the kitchen and that Wellon was not disciplined, because he was not present or aware of the incident [sex acts] involving youth and Ross. Reed stated that a review of the surveillance video supported Wellon's statement.

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Dr. Yarima Marcucci (Witness)

Location of Interview: Telephone (Not Sworn/Recorded)

Date of Interview: April 19, 2013

Dr. Marcucci stated the following: She is a medical doctor and does not specialize in rape evaluations. She is a contracted doctor and does not work for YSI. On February 20, 2013, she was notified by RN Lee (later identified as LPN Eugenia Gagnon) that youth [redacted] needed to be examined, because he reported he had intercourse with someone who worked at the facility. According to Dr. Marcucci, sometime between 9 a.m. and 10 a.m., she examined youth [redacted] in the presence of nurse Gagnon and another unknown technician. Youth [redacted] told her he had sex two days earlier with someone who worked at the facility, but he did not say the name of the person. Her exam consisted of checking youth [redacted] anal area, which had small lacerations consistent with anal penetration. She checked for bruises but did not see any. She did not do an internal rectal exam, because the anal area was swollen and she did not want to aggravate that area. In her medical opinion, there was some type of anal penetration based on her physical examination. Dr. Marcucci acknowledged the written medical exam form (*See Exhibit 5*) which was emailed to her prior to the interview and explained a negative sign under "GI", (gastrointestinal tract), indicated there was no abnormal pain or rectal bleeding and a negative sign under "Genitalia" meant there were no abrasions or lesions to his genitals. Under "Other" Dr. Marcucci wrote, "tear was in the superior area of the anal area." When asked where the superior area was, she used the analogy of a clock and said it was at 12 o'clock.

Kitchen Staff Dwayne Ross (Subject) - No attempt was made to interview Ross due to the pending criminal charges.

Conclusions/Recommendations - Based on the interviews conducted, documents reviewed, and the fact that law enforcement submitted a probable cause affidavit to the State Attorney's Office charging Ross, the allegations of Sexual Misconduct (PREA) and Violation of Policy against Ross are **SUSTAINED**.

Allegations #2: Violation of Policy (Improper Supervision)

Synopsis - During the course of the investigation, it was discovered that Brown, Kearsse, and Wellon observed youth [redacted] in the kitchen alone with Ross and not under the supervision of facility staff, thus failing to maintain direct supervision or take appropriate and corrective action.

Applicable Statutes/Rules/Policies/Guidance

St. Johns Residential Facility, "Youth Counts and Census Tracking"

Under "Other" it states, "Staff should always have direct sight and sound of the youths they are responsible to supervise. Youth are never to be out of direct supervision of staff."

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

Master Control Logbook, February 18, 2013, Page 48 (Exhibit 11)

The record indicates the following entries were made:

- 17:28 (5:28 p.m.): "Kitchen staff escorts 1 youth () from C pod to kitchen for cleaning. Youth searched. No contraband found."
- 18:45 (6:45 p.m.): "1 youth () in kitchen."
- 18:58 (6:58 p.m.): "Kitchen staff returns youth () from kitchen back to C pod. *{Inspector's Note: Reed advised that Smith was assigned to Master Control and O. (Ottoine) Wright was assigned to the dorm, where youth was when Ross got him. These staff was terminated for failing to adhere to facility policy at St. Johns Residential Facility, "Youth Counts and Census Tracking."}*

Video Surveillance Review (Exhibit 8)

A review of the videos showed the following relevant information:

- At 17:54:15 youth exited the kitchen office and entered the kitchen area where Ross and Brown were present with the cart. (Camera 15)
- At 17:58:55 Ross entered the kitchen pulling a small cart with red trays and Wellon entered after Ross. Youth was washing dishes. Wellon remained mostly in camera view and exited the kitchen at 17:59:18. (Camera 16)

Copy of Notice on the Kitchen Door (Exhibit 12)

The notice reads, "No Youth Allowed In Kitchen Without Being Supervised by YSI Staff." *{Inspectors Note: Reed testified this sign had been on the door for eight to nine months [since May 2012].}*

Logbook Entry June 14, 2012, page 345 (Exhibit 13)

The record indicates an entry at 11:58 that stated, "Per FA Wright: NO YOUTH ARE TO BE ALLOWED IN THE KITCHEN AT ANY TIME; Shift Supervisor M[elissa]. Robinson posted a reminder of this directive in Level 8 MC."

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YSI Roster/Sign In Sheet for June 26, 2012 (Exhibit 14)

The record indicates monthly meeting minutes were held about youth supervision. FA Wright informed staff that youth are not allowed in the kitchen. The list showed O. (Ottoine) Wright, Wellon, and Brown attended.

Suspension Form on Brown (Exhibit 15)

This record indicated there was a recommendation that Brown be suspended for 14 days without pay for violation of policy and procedure on youth supervision related to the incident on February 18, 2013, in the kitchen. He was suspended effective March 15, 2013.

Inactive Status Forms for Ottoine Wright, Courtney Smith and Eric Kears (Exhibit 16)

The records indicated these three staff were terminated for violation of company policy, effective March 14, 2013, March 15, 2013, and May 24, 2013, respectively, related to this incident. *{Inspector's Note: FA Wright advised Inspector Offutt the terminations for Smith and O. (Ottoine) Wright were noted in the internal investigation for violation of supervision of youth and Kears's termination was also related to this incident; however, no explanation of what policy Kears violated was provided.}*

{Inspector's Note: Witness statements were verified with the witnesses and the content was discussed and noted in their interviews below:}

Brown's Witness Statement (Exhibit 17)

Kears's Witness Statement (Exhibit 18)

Wellon's Witness Statement (Exhibit 19)

Interviews - The following interviews were conducted by Inspector Offutt and all interviews were sworn and electronically recorded, unless otherwise noted.

Youth (Victim/Complainant)

Location of Interview: Okeechobee Youth Development Center

Date of Interview: April 4, 2013

Youth stated the following: He saw Brown enter the kitchen to return dinner trays while he was washing dishes. This was before youth went to the office with Ross. According to youth, while Ross was giving him oral sex in the office, Ross heard someone come in the kitchen, and he stopped. Youth did not hear anyone. Ross then went out and said he saw Wellon getting some bread. Youth stated he never spoke to Wellon, but also stated, "I don't think so, I can't remember." He said Kears came in too, perhaps to get a spoon and some ketchup and mustard. When asked if he and Kears spoke, youth said Kears might have said hi. He stated Brown and Kears just came in and they left within a minute or two.

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AFA Edward Reed (Witness)

Location of Interview: St. Johns YA

Date of Interview: April 16, 2013

Inspector Offutt asked Reed to provide details on how Ross, who was a Trinity Service Group employee, was able to escort youth [redacted] from the dorm to the kitchen. Reed said he reviewed the surveillance video and observed former YCW O. (Ottoine) Wright allowing youth [redacted] to exit the dorm with Ross. Reed said former YCW Smith, who was working in Master Control, never questioned why youth [redacted] was allowed to exit the dorm and be escorted to the kitchen by Ross. Reed said anytime a youth leaves the dorm, Master Control must be notified; the youth must be searched prior to exiting, and must be escorted by a YSI staff member. According to Reed, YCW O. (Ottoine) Wright notified YCW Smith that youth [redacted] was being escorted to the kitchen but failed to verify if he was being escorted by an YSI staff member. Reed stated the sign on the kitchen door (*Exhibit 12*) has been posted for approximately eight to nine months and staff are consistently reminded verbally (staff and shift meetings) that youth are not allowed in the kitchen area without YSI staff supervision, (*See Exhibits 13, 14*). Reed further stated Ross is a Trinity Services Group employee and not considered an YSI staff member. According to Reed, Trinity Services Group members do not attend staff or shift meetings and wear distinct uniforms that identify them as Trinity Services Group workers.

YCW Lawrence Brown (Subject)

Location of Interview: St. Johns YA

Date of Interview: April 16, 2013

Brown reviewed and confirmed his written statement, (*See Exhibit 17*). When asked how he knew about sexual misconduct, and who informed him of that allegation, Brown said nobody informed him but the allegation had come out and everyone was talking about it. He stated when he used the term "both parties" he was referring to youth [redacted] and Dwayne [Ross].

Brown advised he has been employed by YSI for the past nine months. He was working on February 18, 2013, was assigned to Level 8 and was working with Kearse. About 6 p.m., Wellon asked him to pick up the [food] trays on Level 6 and put them in the kitchen. When Brown walked into the kitchen, he saw youth [redacted] washing dishes at the first sink to the left. He handed the trays to the kitchen staff named Dwayne [Ross], whose last name he did not know, who was drying the dishes. He said Ross met him at the door and took the trays. *{Inspector's Note: The video shows Brown entered the kitchen about 6 p.m. with a food cart and Ross assisted him with the cart while youth [redacted] came from the back hallway (where the office is located) then went to the dishwashing area. Brown left approximately 10-15 seconds after he arrived in the kitchen.}* Brown stated he was only in there ten seconds and nothing seemed unusual, since youth were allowed in the kitchen to help. He did not see any other people in the

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kitchen besides Ross. Brown initially said he did not go into the kitchen any other time that evening, however, but when confronted with the video, he changed his statement and said he entered the kitchen twice that night, once with a cart and a blue cooler. When advised that the video showed he entered at 5:35 p.m. without a cart and left, he stated that was the time he dumped the trays off and left. Brown stated he did not recall going back in a second time at 6.p.m. In addition, he did not recall youth coming from a different direction in the kitchen and moving towards the dishwashing area, as the video showed. Brown stated youth / was already positioned at the sink.

Brown acknowledged he is aware of the sign on the kitchen door. He stated he thought Ross was YSI staff, so he did not feel he had to report that there was a YSI staff alone in the kitchen with a youth. He said he thought youth already had permission since he (the youth) had to walk by Master Control staff who also had to electronically unlock the doors. Brown stated he did not know Ross was not a YSI staff until after this incident and thought everyone at the facility was YSI except education staff, like at another provider facility where he worked. Brown confirmed he never saw Ross do any other duties except kitchen duties.

YCW Eric Kearsse (Subject)

Location of Interview: St. Johns YA

Date of Interview: April 16, 2013

Kearsse acknowledged his written statement, (See Exhibit 19). Kearsse stated he has been employed by YSI since August 8, 2012. He stated he omitted the fact that he saw youth because it was not suspicious that youth was in there. Kearsse advised he was working on February 18, 2013, and was assigned to Level 8, "B" dorm. During his break, he went to the kitchen to get salt and pepper and some chips. As he entered the kitchen and did not see anyone, he went towards the supply closet where the chips were kept and Ross came out of the office. Kearsse asked Ross, "What's up?" then turned around to go get the salt and pepper. When asked if he saw youth he said "yes." When asked where he saw him, Kearsse said while going to the closet, Ross came out of the office and youth came out behind him. Kearsse stated he did not speak to youth /. When asked what the youth did, Kearsse stated nothing, because Kearsse had his back to them and was heading back out to the kitchen area. Kearsse stated he was in the kitchen two to three minutes. {Inspector's Note: The video showed Kearsse entered the kitchen (at about 5:51 p.m.) and left about a minute later. However, youth is not seen exiting the kitchen office at any time. Youth confirmed Kearsse came in to the kitchen and he (youth "might have" said hi but Kearsse just came in and left.)} According to Kearsse, there was nothing suspicious about the event because it was his understanding as long as there was a staff with the youth, everything was okay. Kearsse added that the staff must be PAR certified. Kearsse stated he is aware of the sign on the kitchen door but thought Ross was YSI staff, even though he did not wear a YSI uniform. Kearsse

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advised he never told anyone that he saw a youth in the kitchen, because he thought Ross was YSI staff and because youth [redacted] was already in the kitchen. Kearse said he assumed the supervisor already authorized it. According to Kearse, the only way a youth can be released from the dorm is by MC or the supervisor. Kearse disagreed with the video showing that youth [redacted] did not come out of the office because he said he saw youth [redacted]

Acting Supervisor Gary Wellon (Subject)

Location of Interview: St. Johns YA

Date of Interview: April 16, 2013

Wellon acknowledged his written statement and that it was truthful and accurate, (See Exhibit 18). Wellon acknowledged that on February 18, 2013, he was working the 3 p.m. - 11 p.m. shift and was the acting supervisor. He was aware of the sign on the kitchen door and was aware Ross was not YSI staff.

When asked if he saw the youth in the kitchen with Ross he said yes, after 8 p.m., when he went into the kitchen to get some hand soap. He stated he saw youth [redacted] and Ross coming from the back area and asked what he (the youth) was doing back there and Ross told him taking out the trash. *{Inspector's Note: The video showed Wellon entered the kitchen about 5:46 p.m. with a cart and not 8 p.m., as he thought, and encountered only Ross back by the office. At 5:58 p.m., Wellon entered again which is when he encountered Ross and youth [redacted]. Youth [redacted] was in the dishwashing area and Ross there unloading trays. Wellon goes to the food line then leaves the kitchen about 33 seconds later, leaving youth [redacted] alone with Ross.}* Wellon said that Ross asked him if he wanted to take youth [redacted] back [to the dorm] and Wellon told him "no," that Ross could take him back and after they left, he (Wellon) left. *{Inspector's Note: The video shows Wellon left first.}*

When Inspector Offutt asked if he thought it was suspicious about taking out the trash, Wellon said "kinda" but explained that youth were allowed in the kitchen. Wellon said he never saw them in the office and he was not aware of any sexual misconduct between Ross and youth [redacted]. He never saw any other YSI staff in the kitchen with Ross and youth [redacted] nor any YSI staff going in and out of the kitchen. Wellon stated he knew the kitchen staff should not be alone in the kitchen with a youth. When Inspector Offutt asked why he did not report it, Wellon said he really did not know what to do. When asked if he saw them in the kitchen before 8 p.m., he said he could not recall. When advised the video showed him in the kitchen about 6 pm, he said then he was in there at the time and the only time he saw youth [redacted], was what he thought was 8 p.m. Wellon acknowledged bringing a cart in about 5:50 p.m. and that was when Ross probably gave him some chips. He believes he went in four times but only saw the youth and Ross once. *{Inspector's Note: There is no video evidence after 6:00 p.m.}*

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Wellon further stated he did not know how youth [redacted] got to the kitchen that night. Wellon added that he never authorized a movement of youth [redacted] from his dorm to the kitchen and was not aware youth [redacted] left his dorm. When asked who could have authorized that he said, it could have been Master Control staff.

{Inspector's Note: Youth [redacted] said Wellon came into the kitchen while he and Ross were having sex, so they stopped at which time Ross left the office to see who had come in.}

Conclusions/Recommendations - Based on the interviews conducted and documents reviewed, there is sufficient evidence that Brown, Kearse, and Wellon entered the kitchen and observed youth [redacted] alone with Ross (a non-YSI staff) and not under the direct supervision of facility staff, but failed to take appropriate and corrective action. Therefore, the allegation of Violation of Policy (Improper Supervision) against all three individuals is **SUSTAINED**.

IV. ADDITIONAL MATTERS

Other Investigative Activities

On April 12, 2013, Ross was arrested in Orange County, Florida and charged with 10 counts of possessing material depicting sexual performance by child, in violation of *Florida Statute 827.071(5)* unrelated to this case (Case # 2013-CF-004716).

On October 29, 2013, Ross was re-arrested for failing to appear in court and remains in jail with no bond.

During the OIG investigation, it was discovered that Ross allegedly had his cell phone in the kitchen, which youth [redacted] said was used by Ross to take pictures of a sex act. Youth [redacted] reported he sneaked a book (*A Women's Worth by Nikki Turner*) into the kitchen, which could be considered inappropriate reading material. The kitchen surveillance video supports youth [redacted] holding what appeared to be the book in question.

On August 16, 2013, Inspector Offutt contacted YCW Danate Walker (DOB:12/07/89), because youth [redacted] alleged he used Walker's cell phone one day on the recreation yard to search for Ross on Facebook. Walker denied he allowed youth [redacted] to use his phone, although he stated youth [redacted] asked to use his phone and Walker told him "no." These allegations are being referred to management to explore and further action as deemed appropriate.

Coordination with Law Enforcement

The St. Johns Sheriff's Office investigated the allegations of sexual misconduct and filed a probable cause charging affidavit with the SAO, 7th Judicial Circuit for a filing decision. As of December 3, 2013, a filing decision is still pending. Ross is currently in jail awaiting trial in the Orange County criminal case.

Coordination with Management

Coordination with management was not required.

V. EXHIBITS

1. CCC Incident/ Complaint Report Form #2013-00660
2. Love-Belle's Witness Statement
3. Youth Witness Statement
4. Investigation Summary Report (Internal)
5. Medical Evaluation
6. Medical Progress Notes
7. Kitchen Floor Plan
8. Surveillance Videos
9. Trinity Food Service Group Inc. Counseling Report (Ross)
10. SJSO Offense Report #13OFF001975
11. MC Logbook dated February 18, 2013
12. Notice on Kitchen Door
13. Logbook Entry dated June 14, 2012
14. YSI Roster/Sign In dated June 26, 2012
15. Suspension Forms-Brown
16. Inactive Status Form - O. Wright, Smith and Kearse
17. Brown's Witness Statement
18. Kearse's Witness Statement
19. Wellon's Witness Statement
20. Correspondence Sent to Provider & Subject(s), dated January 15, 2014
21. Return Correspondence Tracking Receipts
22. Return Comments from YSI, received January 24, 2014 and Wellon received January 31, 2014
23. Correspondence Sent to Wellon from the OIG, dated February 5, 2014
24. Correspondence for Dwayne Ross Returned to DJJ on February 3, 2014

V. 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 January 15, 2014, in accordance with Section 20.055(6)(e) Florida Statute, a copy of this completed investigative report was provided to Youth Services International, Inc., a specific entity contracting with the state, and to Former Youth Care Worker Eric Kearse, Former Food Service Worker Dwayne Ross, Acting Supervisor Gary Wellon, and Youth Care Worker Lawrence Brown, an individual(s) substantially affected as defined by Section 20.055(6)(e). *Exhibit 20*

On January 24, 2014, correspondence was received from G4S indicating they had no comments. *Exhibit 22*

On January 31, 2014, comments were received from Wellon. *Exhibit 22*

On February 5, 2014, correspondence was sent to Wellon indicating that the OIG had reviewed his comments and that the "Sustained" finding for violation of policy, specifically, improper supervision is affirmed. Also, minor changes to the final report were made to reflect the correct times in which Wellon encountered the youth in the kitchen at the facility. *Exhibit 23*

On February 3, 2014, the correspondence for Ross was returned to DJJ stamped "Undeliverable As Addressed". *Exhibit 24*

As of February 25, 2014, no response has been received from Kearse or Brown.

V. 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, have been distributed electronically to:
Wansley Walters, Secretary
Christy Daly, Deputy Secretary
Jason L. Welty, Chief of Staff
Meghan L. Speakes, Director of Communications

Files:

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