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Congressional Testimony



**Testimony before the U.S. House of Representatives
Committee on Education and the Workforce**

“Student Safety in the Job Corps Program”

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Good morning, Chairwoman Foxx, Ranking Member Scott, and distinguished Members of the Committee. Thank you for the opportunity to discuss the Office of Inspector General's (OIG) oversight work of the U.S. Department of Labor's (DOL) Job Corps program. My testimony today will focus on challenges related to the safety and security of Job Corps students.

Each year, the Job Corps program provides residential and nonresidential education, training, and support services to more than 50,000 disadvantaged, at-risk youth, ages 16-24, at 129 Job Corps centers and satellite campuses in all 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. This \$1.7 billion program offers participants opportunities to complete training and secure academic and technical credentials and, upon program completion, assists them with securing placement in employment, higher education, or the military.

Most Job Corps students live on center. Job Corps must provide its students with a secure and safe living environment so they can achieve their educational goals, such as earning a high school diploma or equivalency certificate, and learning the necessary career technical and social skills they need to obtain meaningful, long-term employment. However, despite the program's zero-tolerance policy for violence and illegal drugs, local Job Corps center operators have failed to report and investigate serious misconduct, and many have downgraded violent infractions to lesser infractions to keep students enrolled.

Violence at Job Corps Centers

In 2015, two students were killed at different Job Corps centers, allegedly by fellow students. In one case, a student was shot and killed in his dormitory room at the St. Louis (Missouri) Job Corps center. In the other case, a student was brutally killed next to the Homestead Job Corps center in South Florida, resulting in the center suspending operations and transferring students to other centers. While the two murders put a spotlight on the issue of violence in the Job Corps program, it is a problem the OIG has been reporting for several years.

Between 2009 and 2015, the OIG conducted a series of audits reviewing center operators' enforcement of Job Corps' student disciplinary policies. More recently, partly in response to the two student murders and as a follow-on to an audit OIG conducted in 2015, the OIG's Office of Audit and Office of Investigations conducted a joint review to examine how Job Corps was identifying and managing risks to center safety and security at its 129 centers and satellite facilities.

Center Safety and Security

Our 2017 review focused on the following three areas:

1. Job Corps' actions in response to potentially serious criminal misconduct;
2. Physical security at Job Corps centers; and
3. Job Corps' efforts to mitigate violence and other serious crimes at its centers.

We found weaknesses in each of the three areas of our review and made recommendations to Job Corps for improving its response to potentially serious criminal misconduct, strengthening the physical security of its campuses, and enhancing its mitigation efforts.

1. Not Reporting Potentially Serious Criminal Misconduct to Law Enforcement

Eleven of the twelve centers we visited failed to report 40 percent of potentially serious criminal misconduct incidents we identified in Job Corps information systems to law enforcement (140 of 348). The number not reported ranged from 1 to 37 incidents per center. The failure to contact law enforcement could compromise center and community safety as students are not held legally accountable.

All 12 centers we visited did not report numerous significant incidents to Job Corps and misclassified many significant incidents they did report. Deficient significant incident reporting negatively impacts Job Corps' ability to make sound management decisions and exercise appropriate oversight.

For example, at one center security staff received a tip that a student was conducting drug deals out of a dorm room. Center security searched the student's room and found three full canisters of illegal synthetic marijuana and various drug paraphernalia. The center did not report the incident to law enforcement or Job Corps, and did not convene a Fact Finding Board to determine if the student should have been removed from the program under its zero tolerance policy. Rather, the center downgraded the incident to a

non-drug related infraction of center rules (pattern of inappropriate behavior) and allowed the student to remain on center.

Furthermore, one-third of Job Corps' centers and satellites in operation at the time of our review had not established cooperative agreements with law enforcement organizations (41 of 129); and 85 percent of the centers that had established agreements failed to include adequate descriptions of center and law enforcement roles and responsibilities (75 of 88). The agreements established also did not include federal, state, and local law enforcement organizations, as required by Job Corps' policy. Defining roles and responsibilities in a formal agreement helps to provide reasonable assurance that potentially criminal incidents will be addressed in an effective, efficient, and safe manner. It also reduces the potential for the mishandling of evidence, the mismanagement of crime scenes, and the inappropriate or prejudicial treatment of suspects and witnesses, which could affect law enforcement investigations and ultimately the outcome of criminal cases.

2. Physical Security Weaknesses at Job Corps Centers

We observed physical security weaknesses related to campus access and monitoring during our site visits to the 12 centers. These weaknesses included inadequate and unmonitored closed circuit television systems, security staff shortages, and compromised perimeters. Job Corps is responsible for ensuring students have a physically secure environment to achieve their educational goals and learn the necessary career technical skills that will lead to meaningful employment. The physical

security weaknesses we observed at the 12 centers put students and staff at risk and could negatively impact student achievements.

Conversely, we identified 31 Job Corps centers and satellites that provided physical security strategies exceeding Job Corps' policy requirements; however, Job Corps had not developed effective processes to share best practices or incorporate them into its policy guidance. As a result, Job Corps missed opportunities to share strategies and methods to effectively identify and address security challenges across all center campuses.

3. Lack of Pre-employment Background Checks for Center Employees

Our review found Job Corps lacked a comprehensive policy defining the center employment positions that should be subject to background checks and how the results of such background checks should be evaluated. Under existing policy, only those individuals employed in child development services and volunteers were required to receive background checks. Policy addressing whether other center positions needed background checks had not been established. Job Corps also did not determine what criminal histories would disqualify individuals from employment. As a result, Job Corps may have placed students at increased risk of harm by allowing potentially dangerous prior criminal offenders on campus.

Student Disciplinary Policies

To provide the safest possible learning environment for students and staff, Job Corps has a Zero Tolerance Policy against violence and drugs. Students who break this policy

are to be dismissed and not allowed to re-enter the program. Other serious misconduct that could lead to dismissal includes persistent disobedience of center rules, repeated or prolonged absences from classes, improper use of center facilities and equipment, and leaving the center without permission.

In 2015, we conducted a program-wide audit to assess whether Job Corps' center operators had taken appropriate action to address alleged serious misconduct at centers. Despite prior OIG audits that had reported lax enforcement of Job Corps' disciplinary policies, this audit identified continuing deficiencies with center operators' enforcement and Job Corps' oversight, which resulted in centers allowing potentially dangerous students to remain in the program. Specifically, we reviewed the security logs at 11 centers and found center operators:

- Did not report 21 percent of the serious infractions tested (58 of 277); and
- Downgraded 15 percent of the serious infractions to lesser infractions (41 of 277).

For example, records at one center showed a student had been found in possession of illegal drugs on center property. Instead of charging the student with a zero tolerance drug possession infraction and dismissing him from the program, the center operator downgraded the offense to a lesser infraction. The student remained on center for an additional 74 days before being discharged as the result of a physical assault infraction in which another student was injured.

The audit also reviewed all 35,021 serious misconduct incidents reported to Job Corps in 2012 and 2013 and found:

- 26 percent of required investigations and student disciplinary hearings were either not conducted or not documented (8,928 of 35,021); and
- 15 percent of the hearings that center operators did conduct were not completed within 3 to 5 days of the center operator becoming aware of the alleged incident, as required by Job Corps' policy (5,304 of 35,021).

These deficiencies occurred because center operators: 1) wanted to provide students who committed serious misconduct with second opportunities; 2) misunderstood Job Corps' policies and data entry requirements; and/or 3) retained students who should have been discharged to avoid the adverse effect of early dismissals on their performance outcomes. Also, Job Corps' oversight practices were ineffective because classification of zero tolerance infractions excluded certain violent offenses, such as fighting and sexual harassment, and the relatively small amount for liquidated damages allowed by Job Corp's contracts with center operators for noncompliance was an ineffective deterrent.

The problems we identified were not new. In fact, OIG had been reporting similar troubles since 2009. Our audits of 13 centers in 2009 and 2010 found that 4 of them did not always convene Fact Finding Boards and Behavior Review Panels as required for students suspected of serious misconduct. For example, from a sample of 188 events identified in security records at the four centers, we found 15 percent required a Fact

Finding Board, but none had been conducted (29 of 188). These students were allowed to remain at the center without consideration of appropriate disciplinary action, including removal from the center, thus potentially placing other students and staff at risk. Based on a sample of 268 students at one center who were separated for disciplinary reasons, we found 16 percent had committed earlier infractions for which a Fact Finding Board or Behavior Review Panel should have been convened, but was not.

In addition to not properly investigating serious misconduct, these audits identified 6 centers where 40 percent of the significant incidents that occurred during our audit period were not reported to Job Corps (94 of 235). These incidents included physical assault, weapons possession, narcotics possession or sales, and other events that indicated a student was a danger to himself or others. Although these six centers may have investigated the incidents and taken appropriate disciplinary action, not reporting the events to Job Corps undermined Job Corps' ability to ensure that centers had taken appropriate actions or to analyze trends to support management and policy decisions at a national level.

Maintenance of Center Facilities

Inadequate maintenance of center facilities can also pose a risk to the safety of Job Corps students and staff. Our audit in 2013 found Job Corps did not always ensure center maintenance deficiencies were repaired in a timely manner, exposing students, staff, and visitors to potential safety hazards. Specifically, 57 percent of critical maintenance deficiencies involving life, safety, and health issues had gone unrepaired

for more than one year (807 of 1,405). In many of those instances, the repairs had not been funded. However, we found Job Corps had obligated \$29.5 million to correct 718 center maintenance deficiencies that remained unrepaired more than one year later. Moreover, we identified \$32.9 million in unused maintenance funds had expired or were approaching expiration.

Job Corps' Progress

To address the problems identified by our audits, Job Corps established a Division of Regional Operations and Program Integrity, in part, to improve oversight of center safety. However, Job Corps has reported the Division is not fully staffed and it has requested an exception to the current hiring freeze in the Department. Job Corps also stated it is using data from its recently developed Risk Management Dashboard to perform targeted interventions and request issue-specific corrective actions on emerging safety-related issues. Additionally, Job Corps reported it has conducted approximately 50 unannounced center culture and safety assessments to review center safety, security, and culture through direct observation and interviews with center staff and students. Job Corps revised its zero tolerance student conduct policy to increase student accountability and clarify center staff authority to address misconduct. According to Job Corps, students who violate the zero tolerance policy are being removed from the program more quickly. Also, Job Corps stated it is piloting six "Industry Foundation Courses" in the career technical training areas with the highest levels of student enrollment at select Job Corps centers. These courses are intended to increase student engagement and retention, and decrease behavioral issues.

Job Corps reported that it is implementing tools to improve assessment of applicants' readiness to benefit from the program. Job Corps stated it completed the rollout of a new criminal background check process for student applicants in May 2017. According to Job Corps, the new process obtains any existing criminal background information about an individual through a national search, as opposed to previously used local searches. Job Corps is also implementing a toll-free student safety hotline to handle calls of an urgent nature, including calls that relate to the safety and security of Job Corps students and staff. Job Corps stated the hotline is now operating in its Chicago and San Francisco regions. Rollout to its remaining four regions is scheduled to be completed in 2017. Job Corps reports it has completed a series of Center Safety and Security Vulnerabilities Assessments. These assessments evaluated building access controls, campus lighting, and security operations. Finally, Job Corps reported it is improving physical security as funding permits, and will soon complete Phase 1 of a \$12 million physical security pilot for 14 centers. The goal of this pilot is to equip the centers with technology that will enable center staff to increase oversight and more quickly respond to incidents on center.

What Remains to Be Done

While Job Corps has taken numerous actions to make centers safer, OIG continues to have a significant number of serious incidents reported to us, indicating Job Corps still has work to do. Job Corps needs to expeditiously complete the various safety initiatives it has recently begun. Moreover, Job Corps must be more vigilant in its monitoring to ensure center operators and regional office personnel fully enforce Job Corps' zero

tolerance policy. Job Corps also needs to establish appropriate law enforcement jurisdiction and agreements for each center, assess campus physical security system-wide, and develop and implement policy for criminal background checks of center employees.

Conclusion

As our audits over the past 8 years have shown, the Job Corps program remains challenged in its efforts to control violence and provide a safe learning environment at its centers. Without a safe learning environment for students and staff, Job Corps will struggle to meet its core mission of attracting young people who face economic disadvantages or come from debilitating environments, teaching them the skills they need to become employable and independent, and placing them in meaningful jobs or further education.

Madam Chairwoman, thank you for calling this hearing and for the committee's continued support for the work of the OIG. We look forward to continuing our productive relationship with this Committee and the Office of Job Corps in our shared goal of improving the program's efficiency, effectiveness, and integrity.

I would be pleased to answer any questions you or the other Members of the Committee may have.