



Office of the Washington State Auditor
Pat McCarthy

Whistleblower Investigation Report
Department of Social and Health
Services

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March 1, 2018

Cheryl Strange, Secretary
Department of Social and Health Services

Report on Whistleblower Investigation

Attached is the official report on Whistleblower Case No. 17-036 at the Department of Social and Health Services.

The State Auditor's Office received an assertion of improper governmental activity at the Department. This assertion was submitted to us under the provisions of Chapter 42.40 of the Revised Code of Washington, the Whistleblower Act. We have investigated the assertion independently and objectively through interviews and by reviewing relevant documents. This report contains the result of our investigation.

If you are a member of the media and have questions about this report, please contact Assistant Director for Communications Kathleen Cooper at (360) 902-0470. Otherwise, please contact Whistleblower Manager Jim Brownell at (360) 725-5352.

Sincerely,

Pat McCarthy
State Auditor
Olympia, WA

cc: Governor Jay Inslee
Andrew Colvin, Public Disclosure/Ethics Administrator
Kate Reynolds, Executive Director, Executive Ethics Board
Jacque Hawkins-Jones, Investigator

WHISTLEBLOWER INVESTIGATION REPORT

Assertion and Results

Our Office received a whistleblower complaint asserting a Department of Social and Health Services (Department) regional administrator (subject) grossly mismanaged his responsibilities by reporting inaccurate statistics to the Legislature regarding Department caseload numbers.

We found no reasonable cause to believe an improper governmental action occurred.

Background

According to the Department's website¹, in August 1998, a lawsuit was filed against the Department on behalf of foster children who had three or more placements while in the foster care system. The lawsuit alleged the Department did not provide constitutionally required care to foster children.

In November 2004, the court approved a settlement agreement (agreement) between the Department and the plaintiffs. The agreement created an oversight panel to develop performance outcomes for the Department. The panel identified 21 outcomes the Department needed to achieve. To reach full compliance, the Department had to meet and maintain each outcome for 18 consecutive months.

The focus of this investigation relates to Outcome 2, which required the reduction of 90 percent of social workers' caseloads to a maximum of 18 cases.

On October 31, 2011, revisions to the agreement eliminated the Department's need to monitor three outcomes, including Outcome 2, once the Department was fully compliant with the remaining 18.

As part of the agreement, the Department provided semi-annual performance reports to the Legislature, the court and plaintiffs' attorneys.

About the Investigation

The subject is a regional administrator for Children's Administration, a division in the Department. According to the complaint our Office received, the subject was manipulating data from internal reports to underreport the results presented to the Legislature.

Our Office reviewed the subject's hard drive, network files, emails and reports. We also interviewed the subject and witnesses.

¹ <https://www.dshs.wa.gov/ca/acw/braam-settlement-agreement>

We reviewed semi-annual performance reports issued between 2011 and 2017. These reports showed data analysis for each Department region as well as for the state. We found the Department reported non-compliance for Outcome 2 in every report, until the first 2016 report, at which time it had reached full compliance with the 18 outcomes identified in the agreement and was no longer required to monitor or report on Outcome 2.

During an interview, the subject explained that the internal report, referred to in the complaint, shows the number of cases assigned to each social worker and is used for case management. The subject said these are not the same numbers reported to the Legislature; that information is prepared at headquarters.

According to a Department supervisor responsible for the internal report data, the Department calculates its internal caseload numbers using a slightly different algorithm than the one used to calculate the caseload report for the agreement. The algorithm for the agreement report combines all program types, such as child protective services, child and family welfare services and family voluntary services to show the total number of cases assigned to each case-carrying social worker. In contrast, the internal report shows the number of open cases in each program type and the total number of case-carrying social workers, and calculates a caseload ratio for each program.

The Department supervisor said internal caseload numbers are not used for the reporting purposes of the agreement. She said a unit in Children's Administration gathers the data used for the agreement report.

We found the subject did not participate in gathering data provided for use in the agreement reports. Therefore, we found no reasonable cause to believe the subject committed an improper governmental action.

State Auditor's Office Concluding Remarks

We thank Department officials and personnel for their assistance and cooperation during the investigation.

WHISTLEBLOWER INVESTIGATION CRITERIA

We came to our determination in this investigation by evaluating the facts against the criteria below:

RCW 42.40.020(4) - Definitions

“Gross mismanagement” means the exercise of management responsibilities in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.