
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF THE AUDITOR GENERAL
OFFICE OF SPECIAL INVESTIGATIONS

SUMMARY REPORT OF INVESTIGATION

**Ashley Decker/Blair County
Children and Youth Services**

I. Introduction

On March 24, 1997, Ashley Decker, age four, died of severe head injuries at Children's Hospital in Pittsburgh. Decker lived in Altoona with her father, Kenneth Decker, and Leah Kenney, her father's girl friend. The child's death was considered suspicious by law enforcement authorities. News stories described prior incidents involving Ashley Decker and raised questions about the handling of these incidents by the Children and Youth Services (CYS) offices of both Blair and Westmoreland Counties. In July 1997, Kenney and Kenneth Decker were arrested and charged with criminal homicide and endangering the welfare of a child by Altoona police and the Blair County District Attorney's Office. After a jury trial in April 1998, Kenney was found guilty of first degree murder and Decker of involuntary manslaughter; both were found guilty of endangering the welfare of a child. Sentencing is scheduled for June 9, 1998.

II. Factual Summary

Ashley Decker was born on June 17, 1992. In June 1994, she was placed in the custody of her maternal grandparents, Roy and Willoughby Adair, who reside in Westmoreland County. In June, 1996, custody of Ashley was awarded to her father, who lives in Blair County. In October, 1996, while Ashley was on a visit to the Adairs, they contacted the Westmoreland County Children's Bureau (WCCB) to report suspected child abuse. That office advised the Adairs to see their doctor. The Adairs' pediatrician examined Ashley on October 5, 1996. He noted injuries and called the Department of Public Welfare (DPW) child abuse hotline and the Blair County Children and Youth Services (CYS) offices to report what he believed to be suspected child abuse. Ashley Decker was examined later the same day by a physician at the Westmoreland Regional Hospital. This physician's report did not conclude there had been child abuse. A Greensburg police officer also saw Ashley Decker on October 5. The officer concluded Ashley Decker had been abused. He did not pursue the case further because it fell under the jurisdiction of Blair County and he assumed the WCCB would contact the Blair County CYC. He filed a police report of the incident.

Due to the secrecy provisions of the Child Protective Services Law (CPSL), the WCCB and the Blair County CYs officials declined to provide the Department of the Auditor General with case files or specific information on the Decker case. The following information was provided by the Blair County District Attorney's Office:

The October 1996 incident was classified as "unfounded" by the Blair County CYs office and the file was not retained. There had been an August, 1996 allegation of child abuse involving Ashley Decker which was also considered unfounded. The file was also destroyed. Because detailed information concerning these incidents was not available, we could not determine whether the classification had been made after a complete investigation into the facts concerning these incidents or if the statutory deadline for making a determination had passed before the investigation was completed. (See conclusion No. 3 below.) In each instance the child was returned to her father. In March 1997, Ashley Decker's paternal grandmother took her to a hospital in Altoona with injuries supposedly resulting from a fall down steps at her father's home. The emergency room physician believed the injuries were the result of abuse. The CYs duty officer released the child to the grandmother who sent her back to her father's home. The incident was not reported to the police. Several days later, the CYs duty officer discussed the case with the Blair County Assistant District Attorney who handles child abuse cases but made no formal report. The incident which resulted in the injuries that led to Ashley Decker's death took place later that month.

As a result of the Decker case, the DPW Office of Children, Youth and Families conducted a "program review." Results of such reviews are transmitted to the commissioners of the relevant counties as confidential reports. The Department of the Auditor General requested a copy of the review in the Decker case. DPW has not provided it because the CPSL does not appear to authorize disclosure of the reports to the Auditor General.

III. Conclusions

Three separate reports of suspected child abuse concerning Ashley Decker were made to the Blair CYs and/or the WCCB prior to the incident that resulted in her death. From the available information, it appears that at least

two of the incidents (the October 1996 report and the first March 1997 incident involving the Altoona Hospital) should have resulted in a full investigation and action by the Blair County CYS. The CPSL and its administrative network failed to protect Ashley Decker. At this point we have only some of the facts and several possible reasons for that failure:

1. The screening of the October 1996 child abuse report by the Blair County CYS was deficient. The evidence of abuse that was obvious to the Adairs' pediatrician and the Greensburg police officer was either not communicated to the Blair County CYS or not evaluated properly. One of the most glaring deficiencies was that no one in the Blair County CYS contacted the Adairs' doctor or the police officer.
2. Based on what is known, the Blair County CYS's handling of the March 1997 incident at the Altoona Hospital was very questionable. It was suggested by the Blair County District Attorney's Office that the CYS staff person on duty lacked sufficient training.
3. From information provided by the Blair County District Attorney's Office, it appears that the CPSL's statutory requirements for destruction of unfounded suspected child abuse reports was a significant cause of problems in this case and should be changed. The CPSL categorizes reports of child abuse as "founded" (one where there has been a judicial adjudication based on a finding of abuse); "indicated" (one where an investigation by the child protective service determines that substantial evidence of abuse exists based on available medical evidence, the service's investigation or an admission by the parent or responsible person); and "unfounded" (any report that is not a founded or indicated report). 23 Pa. C.S.A. § 6303. Unfounded reports are to be expunged "as soon as possible, but no later than 120 days after the date the report was received by [DPW]." 23 Pa. C.S.A. § 6337(a). If an investigation does not determine that the report is founded, indicated or unfounded within 60 days, the report is considered (emphasis added) unfounded, unless court action has been initiated. 23 Pa. C.S.A. § 6337(b). In effect, this constitutes a determination by default, not a determination based on the facts. The only apparent exception is when the investigation reveals that the report is unfounded, but that the subjects need services provided or arranged by the county agency. 23 Pa. C.S.A. §§ 6334(b), 6341(f).

Based on the information we were able to obtain, it appears that the August and October 1996 suspected child abuse reports were determined to be unfounded by the Blair County CYC and expunged, or they were considered unfounded because the investigation was not completed within 60 days. In either case, the information was not available to help establish a case history that possibly could have led to a different determination at the time of each of the latter reports. Furthermore, the reports were apparently not considered significant enough, either taken individually or together, to cause the Blair County CYC to provide family services under 23 Pa. C.S.A. § 6334(b).

4. At the Blair County CYC, unfounded reports are expunged as soon as the CYC receives notice to do so from DPW. Notices are received from DPW every 90 days; the files are shredded within one week (This appears to be because there is a concern that the CYC not be found in violation of the expungement requirements when required annual audits are conducted by the Attorney General pursuant to 23 Pa. C.S.A. § 6345.) Blair County CYC officials said that the expungement requirements often result in destruction of vital information, causing duplication of interviews and loss of names of witnesses and identifying information on perpetrators.
5. According to information from the Blair County CYC, the office is understaffed, poorly paid and subject to heavy turnover, all of which impair its ability to carry out its duties. Specifically:
 - As of July 1, 1997, only five staff members had more than two years experience. The four who were designated as “child abuse caseworkers” each had less than five months experience.
 - The caseworkers’ starting salary is \$15,192, as determined by the county commissioners.
 - Hiring is to be done from a civil service list that is not screened for convicted felons.
 - The first 18 months of employment include periods of training but caseworkers often leave soon after the first 18 months.

There is no requirement for any commitment to a minimum period of employment.

- Blair County CYC officials described case loads as “heavy”; about 15 cases for each worker, adding that caseworkers often work weekends or evenings to meet statutory deadlines for the determination of cases. (It should be noted that DPW has stated that each caseworker should manage 30 cases.)
- The key date is the 30 day deadline by which the county agency is required to investigate a report of suspected child abuse and inform DPW whether it is indicated or unfounded as required by 23 Pa. C.S.A. § 6343(a). It is measured in calendar days, not work days. With weekends, holidays, sick days and training requirements, this means caseworkers actually have only about 10 days in which to make the determination.

IV. Recommendations

Our investigation was limited because of the reluctance of the county CYC agencies and DPW to provide child abuse case information to the Department of the Auditor General. Nevertheless, it seems clear that the requirement of the CPSL concerning retention periods for child abuse complaints is adverse to the best interest of the children the law is intended to protect. The category of “unfounded” reports as presently described in the statute is vague and misleading. It lumps together (a) complaints that have not been investigated in a timely manner, (b) those for which an investigation has found there is some evidence, but not enough to consider it “indicated” or “founded” and (c) those found to be baseless and without any merit.

It would make better sense for complaints falling under (a) above to be retained on file until the investigation is complete; for those in category (b) to be retained on file for their value in establishing patterns of abuse and/or the need for family services; and for those in category (c) to be expunged after a relatively short time. This would require the amendment of the definition section, 23 Pa. C.S.A. § 6303, and the section that contains the expungement timetable, 23 Pa. C.S.A. § 6337(a).

Our second recommendation relates to the need to monitor closely the activities of DPW and county CYS offices. The Department of the Auditor General conducts regular audits of DPW and county CYS offices. The CPSL does not include the Department of the Auditor General specifically among the parties to which information in child abuse report files may be made available. 23 Pa. C.S.A. § 6340. (It should be noted that federal auditors are included “if required for federal participation in funding of agencies.” 23 Pa. C.S.A. § 6340(a)(8).) This omission should be corrected by amending Section 6340 (a) to include the Department of the Auditor General, subject to the same confidentiality requirements that apply to other agencies. This will strengthen the Department’s ability to audit the handling of child abuse complaints by the agencies.