



# United States Department of the Interior

OFFICE OF INSPECTOR GENERAL  
Washington, DC 20240

JAN 18 2008

The Honorable George Miller  
Chairman, Committee on Education and Labor  
House of Representatives  
2205 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Nick J. Rahall II  
Chairman, Committee on Natural Resources  
House of Representatives  
2307 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Miller and Chairman Rahall:

I share your concerns about the safety and well being of children attending residential treatment programs on federal lands, as detailed in your October 11, 2007 letter, and appreciate the gravity of these concerns. To identify both the scope of the problem and the safeguards needed to ensure the appropriate use of U.S. Department of the Interior (DOI) lands, my staff evaluated the areas requested in your letter as expeditiously as possible. In addition, we made two recommendations to the Secretary of the Interior to improve identification and oversight of residential treatment programs using DOI lands.

Specifically, you requested that we evaluate (1) the extent to which residential treatment programs operate on federal land overseen by DOI; (2) the permitting, licensing, and leasing processes governing land use and the extent to which these programs have complied with these processes; and (3) the role DOI has played in investigating and preventing child abuse and neglect on federal land.

## **Treatment Programs on DOI Land**

Residential treatment programs can operate on DOI lands through entrance fees, special use or recreation permits, or land/facility use agreements. We could not accurately determine the extent to which residential treatment programs operate on DOI lands because, with the exception of the Bureau of Land Management (BLM), the DOI's land management agencies do not maintain centralized electronic records of these activities. In addition to BLM, these agencies are the Bureau of Indian Affairs (BIA), National Park Service (NPS), Bureau of Reclamation (BOR), and U.S. Fish and Wildlife

Service (FWS). Records that do exist are maintained at local field offices or national parks, where residential treatment programs would conduct activities.

Because of the lack of consolidated information, we contacted officials of the land management agencies to ascertain the extent to which residential treatment programs operate on DOI lands.

### **Permitting, Licensing, and Leasing Processes**

Permits are required for individuals or groups prior to entering and using DOI lands for other than day use, when the area to be visited is not otherwise covered by a standard entrance fee. The permits are designed and issued to control the duration of activities allowed on DOI lands, protect our recreational and natural resources, the health and safety of federal employees working on public lands, and the people who visit them.

As part of its permitting process, BLM relies on state business licensing processes to screen permit applicants. BLM requires residential treatment programs, generally included as part of a group called "Commercial Outfitters," to be licensed by a state before issuing a permit. We found that BLM still has an existing permit with one wilderness therapy program that experienced a participant death, identified in the GAO report as Case 8, (GAO-08-146T, pages 16, 29, and 30).

NPS, FWS, and BOR reported that they had no known land/facility use agreements with residential treatment programs. BIA, however, reported that it has one residential treatment program operating on bureau/tribal land. Rites of Passage, a boot camp, has a lease with the Yerington Paiute Tribe of Nevada. The program has had one juvenile death, which occurred on February 4, 1992, according to reports in the *Salt Lake Tribune*.

During our work, we noted the potential exists for treatment programs to operate on DOI lands without first notifying officials at local field offices, wildlife refuges, or national parks. Further, although agency management have responded to the best of their knowledge, it is possible that some residential treatment programs could be operating at the local level without the express knowledge of agency headquarters personnel.

Because none of the land management agencies capture permit compliance information, we could not accurately determine the extent to which residential treatment programs comply with such terms and conditions. We did note that BLM routinely maintains records of comments or complaints received, including the activities of a treatment program with a BLM permit. BLM records the comments and complaints in its Recreation Management Information System, which is available to all BLM employees. No complaints related to child abuse were listed for currently operating permits.



## **DOI's Role in Investigating Abuse**

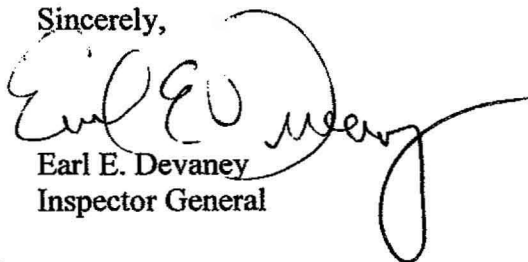
Although participants in residential treatment programs are visitors to and users of DOI land, DOI has no role related to the curriculum or experiences provided to program participants, other than to provide health and safety services and assistance to all visitors under similar circumstances. To this end, DOI law enforcement and safety officials work to protect and serve the people who recreate on 450 million acres of DOI land and who make over 492 million visits annually.

DOI law enforcement officers indicated that every complaint or indication of child abuse occurring on DOI land is immediately investigated. With the exception of BOR, DOI land management agencies use in-house law enforcement officials to protect the health and safety of federal employees, as well as all visitors to DOI lands. BOR procures law enforcement services for its more heavily visited recreational sites. All activities on DOI lands, including those of any residential treatment program, must comply with federal, state, and local laws. This requirement is acknowledged and agreed to by both the DOI agency and the permittee when they sign special use or recreational permits or enter into land/facility use agreements. According to DOI law enforcement officials, any violation of these laws is investigated, usually in concert with local law enforcement, with reports filed and retained at both local and national levels and referrals made to local or federal prosecutors, as appropriate.

As a result of our evaluation, we are making two recommendations to the Secretary of the Interior: 1) Interior's agencies must be more aggressive at identifying residential treatment program use of DOI lands when awarding special use or recreation permits; and 2) local field offices should notify, in writing, the appropriate state or local oversight bodies of the existence of programs on DOI lands and any reported incidents of child abuse or neglect on DOI lands associated with a residential treatment program.

I hope our response provides you the background information your Committee needs to address the areas of concern identified in your letter. If you have any questions, please do not hesitate to call me directly, or your staff may contact Katie Balestra, OIG Congressional Liaison, at (202) 208-5745.

Sincerely,

A handwritten signature in dark ink, appearing to read "Earl E. Devaney", is written over the typed name and title.

Earl E. Devaney  
Inspector General

cc: The Honorable Howard "Buck" McKeon  
Senior Republican, Committee on Education and Labor  
The Honorable Don Young  
Ranking Member, Committee on Natural Resources



# United States Department of the Interior

OFFICE OF INSPECTOR GENERAL  
Washington, DC 20240

JAN 18 2008

## Memorandum

To: Secretary

From: Earl E. Devaney  
Inspector General

Subject: Congressional Request from the Honorable George Miller  
Chairman, Committee on Education and Labor and the Honorable Nick J.  
Rahall II Chairman, Committee on Natural Resources House of  
Representatives, concerning the safety of children attending residential  
treatment programs that operate on Department of Interior's lands

On October 11, 2007 we were asked to evaluate (1) the extent to which residential treatment programs operate on federal land overseen by the U.S. Department of the Interior (DOI); (2) the permitting, licensing, and leasing processes governing land use and the extent to which these programs have complied with these processes; and (3) the role DOI has played in investigating and preventing child abuse and neglect on federal land.

To identify both the scope of the problem and the safeguards needed to help protect children in residential treatment programs and to ensure the appropriate use of (DOI) lands, my staff performed the evaluation as expeditiously as possible. This evaluation was primarily conducted with the Bureau of Land Management but also included the National Park Service, Bureau of Reclamation, Bureau of Indian Affairs, and Fish & Wildlife Service. Residential treatment programs generally include therapeutic wilderness programs, behavior modification treatment facilities, and boot camps that use DOI's lands to accomplish their mission.

The result of this evaluation is included in our written response to the Congressmen, a copy of which is attached to this memorandum. Due to the serious issues involving residential treatment programs and the responses we received from the five Bureaus, we are making two recommendations, as follows:

- Prior to awarding Special Use or Recreation Permits to residential treatment programs, DOI's bureaus must validate whether the program is licensed in the state(s) in which it operate(s) and have the program declare the full scope of the program's activities while using DOI's lands.

- Require the local field offices, park units or wildlife refuges to notify the appropriate oversight bodies, such as a local or state government office(s), in writing about the existence of residential treatment programs operating on Interior's lands along with timely notification regarding any incidents of child abuse or neglect on DOI lands associated with residential treatment programs they oversee.

We believe that these recommendations will help ensure the appropriate use of Interior's lands and protect the lives of children attending residential treatment programs while on DOI lands. If you should have any questions, please do not hesitate to contact me at (202) 208-5745.

Attachment

cc:   OIG Subject/Reading  
      IG Chron  
      AIGI Chron  
      AIGA Chron  
      Balestra-CL  
      Mike Colombo-WRO  
      Ed Woo, Desk Officer  
      Arlene Kuser, Investigations  
      Congressional File  
      CTS 2008-C-00006