

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE INSPECTOR GENERAL**

**REPORT OF SPECIAL EVALUATION -
DEPARTMENT OF YOUTH
REHABILITATION SERVICES**

December 2013



**CHARLES J. WILLOUGHBY
INSPECTOR GENERAL**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Inspector General

Inspector General



December 2, 2013

Via Hand Delivery

Neil Stanley
Director
Department of Youth Rehabilitation Services
450 H Street, N.W., 10th Floor
Washington, D.C. 20001

Dear Mr. Stanley:

Enclosed is our final *Report of Special Evaluation – Department of Youth Rehabilitation Services* (14-I-0058JZ). Written comments from your agency on the special evaluation team's 8 findings and 17 recommendations are included in the report. This report will soon be available publicly at <http://oig.dc.gov>; I encourage you to share it with your employees.

We reviewed your responses to our draft report and noted in this final report that we consider 1 of our 17 recommendations to be "closed" based on the actions you reported. For the remaining recommendations that DYRS agreed with, we have enclosed *Compliance Forms* on which your staff should record and report to this Office the actions taken on each recommendation. These forms will assist both you and the OIG in tracking compliance with recommendations in the report. Where the form asks for "Agency Action Taken," please report actual completion, in whole or in part, of a recommendation rather than "planned" action. Please ensure that the *Compliance Forms* are returned to the OIG by the response dates noted on the forms.

We appreciate the cooperation shown by you and your employees during the special evaluation and look forward to your continued cooperation during the upcoming follow-up period. If you have questions or comments concerning this report or other matters related to the special evaluation, please contact me or Alvin Wright, Jr., Assistant Inspector General for Inspections and Evaluations, at (202)727-2540.

Sincerely,


Charles J. Willoughby
Inspector General

CJW/ef

Enclosure

cc: See **Distribution List**

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The Inspections and Evaluations (I&E) Division of the Office of the Inspector General is dedicated to providing District of Columbia (D.C.) government decision makers with objective, thorough, and timely evaluations and recommendations that will assist them in achieving efficiency, effectiveness and economy in operations and programs. I&E's goals are to help ensure compliance with applicable laws, regulations, and policies, identify accountability, recognize excellence, and promote continuous improvement in the delivery of services to D.C. residents and others who have a vested interest in the success of the city.

TABLE OF CONTENTS

| | |
|---|-----------|
| EXECUTIVE SUMMARY | 1 |
| INTRODUCTION..... | 4 |
| Overview | 5 |
| Objectives, Methodology | 5 |
| Scope, Limitations..... | 6 |
| History of DYRS’s Current Model | 6 |
| Explanation of Detainment and Commitment..... | 7 |
| Problematic, Unclear Relationship between CSS and DYRS..... | 8 |
| Placements for Committed Youths..... | 10 |
| Responsibilities of DYRS’s Case Managers..... | 12 |
| Distinction Between Abscondence, Escape | 13 |
| SUMMARY OF MANAGEMENT ALERT REPORT (12-I-003) | 14 |
| MONITORING YOUTHS, PREVENTING ABSCONDENCES | 16 |
| Overview, General Assessment..... | 17 |
| DYRS Case Managers Visit Youths Inconsistently | 20 |
| DYRS Had Not Methodically Analyzed Reasons for Abscondences..... | 26 |
| Lack of Local Residential Facilities May Contribute to Instances of Abscondence..... | 28 |
| DYRS’s Use of Possibly Outdated Risk Assessment Data May Increase Likelihood of Abscondence..... | 34 |
| Other Issues Related to Monitoring and Preventing Abscondences | 36 |
| REPORTING, RESPONDING TO ABSCONDENCES..... | 42 |
| Overview, General Assessment..... | 43 |
| No Clear Reporting Standards Given to Parents/Guardians. | 44 |
| DYRS and Placement Facilities Lack Uniform Understanding of What Constitutes an Abscondence and When, How to Report | 47 |
| DYRS Not Optimizing Its Use of GPS Monitoring..... | 52 |
| Other Issues Related to Reporting and Responding to Abscondences..... | 57 |
| APPENDICES..... | 59 |
| Appendix 1: List of Findings and Recommendations..... | 60 |
| Appendix 2: South Carolina Department of Juvenile Justice Custody, Placement and Supervision Levels with Available Programs/Enhancements/Services | 64 |
| Appendix 3: October 17, 2013, Letter from DYRS to OIG..... | 70 |

ACRONYMS

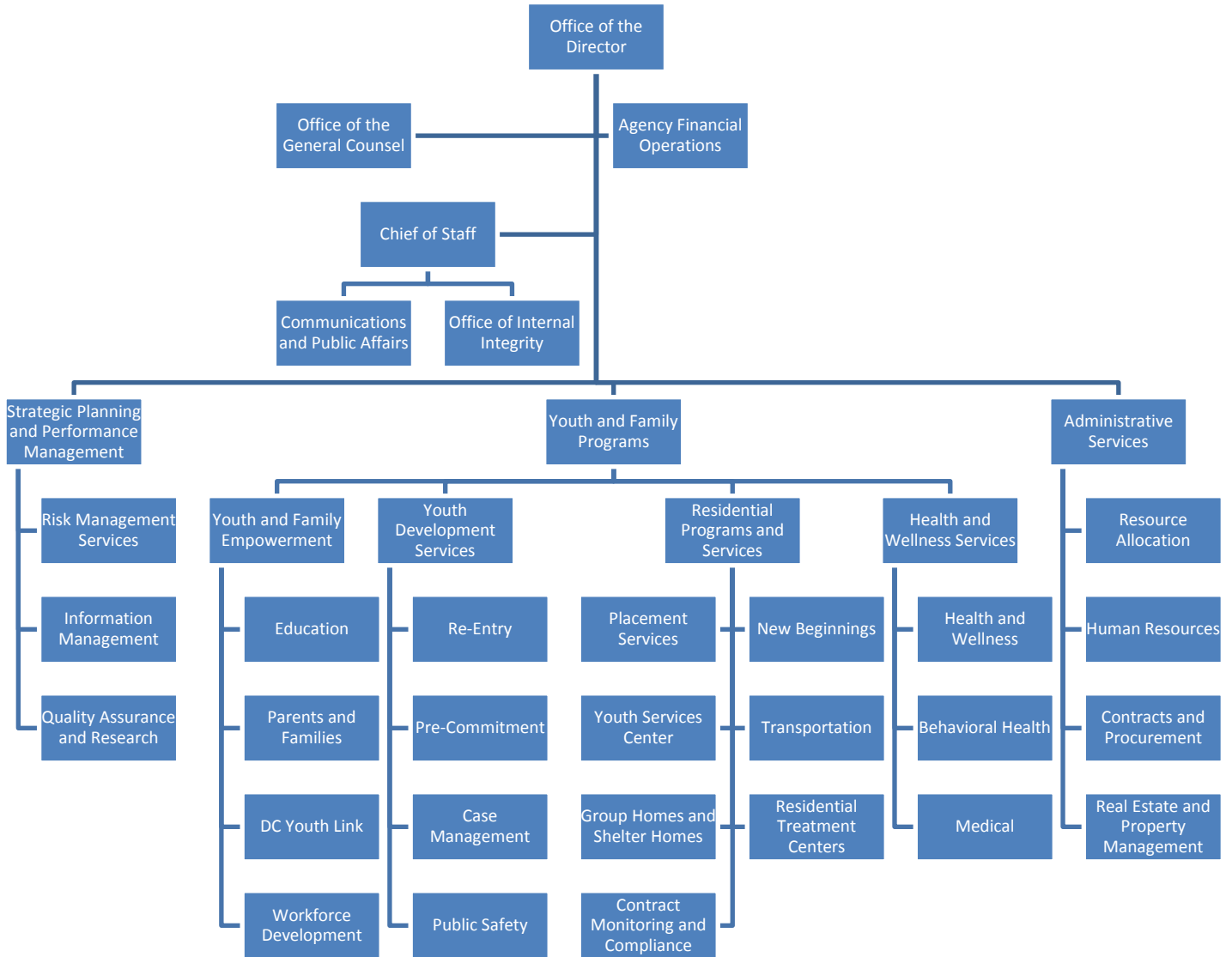
| | |
|----------------|---|
| AWOL | Absent Without Leave |
| CBRF | Community-Based Residential Facility |
| CPA | Community Placement Agreement |
| CSS | Court Social Services |
| D/DYRS | Director of the Department of Youth Rehabilitation Services |
| DCHR | D.C. Department of Human Resources |
| DCMR | District of Columbia Municipal Regulations |
| DOJ | Department of Justice |
| DYRS | Department of Youth Rehabilitation Services |
| EMP | Electronic Monitoring Program |
| FY | Fiscal Year |
| GAO | U.S. Government Accountability Office (previously known as the General Accounting Office) |
| GPS | Global Positioning System |
| HCA | Human Care Agreement |
| HR | Human Resources |
| I&E | Inspections and Evaluations |
| IDP/ISP | Individual Development Plan/Individual Service Plan |
| ILP | Individual Living Program |
| ITPM | Intense Third-Party Monitoring |
| JARC | Juvenile Abscondence Review Committee |
| MAR | Management Alert Report |
| MPD | Metropolitan Police Department |
| OIG | Office of the Inspector General |
| OUC | Office of Unified Communications |

ACRONYMS

| | |
|-------------|-------------------------------------|
| PINS | Persons in Need of Supervision |
| PIW | Psychiatric Institute of Washington |
| RTC | Residential Treatment Center |
| SDM | Structured Decision-Making |
| YFTM | Youth Family Team Meeting |
| YSC | Youth Services Center |

DYRS ORGANIZATION CHART

DYRS ORGANIZATION CHART



Note: DYRS’s Abscondence/GPS Electronic Monitoring Unit falls under its “Public Safety” Division.

Source: http://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/page_content/attachments/DYRS%20Organization%20Chart%206-13-2013.pdf (last visited June 13, 2013).

EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Objectives, Methodology

The Inspections and Evaluations (I&E) Division of the Office of the Inspector General (OIG) conducted a special evaluation of the Department of Youth Rehabilitation Services (DYRS) from December 2011 to September 2012 regarding its oversight of youths who are committed to its custody and placed in the community.¹ The special evaluation's objectives were to assess: 1) the quality of DYRS oversight and that of other relevant entities prior to a youth's abscondence; and 2) the effectiveness and timeliness of DYRS efforts and those of other relevant organizations to locate absconders. OIG inspections and evaluations comply with standards established by the Council of the Inspectors General on Integrity and Efficiency and pay particular attention to the quality of internal control.²

The mission of DYRS is "to improve public safety and give court-involved youth the opportunity to become more productive citizens by building on the strengths of youth and their families in the least restrictive, most homelike environment consistent with public safety."³

The OIG team conducted 53 interviews with current and former DYRS personnel from various units, officials from placement providers within and beyond the District, members of the Metropolitan Police Department, and a District councilmember and staff who are responsible for DYRS oversight. In addition, the team observed 39 housing facilities, within and outside the District, and toured DYRS's New Beginnings facility.

Summary of Findings

The OIG identified eight findings. This number includes a Management Alert Report (MAR 12-I-003), published on April 30, 2012, regarding the District's failure to convene the Juvenile Abscondence Review Committee (JARC).

The key findings of this special evaluation pertain to DYRS's failure to: monitor youths adequately; provide clear standards to families or its contracted facilities about reporting abscondences; optimize its use of global positioning system (GPS) devices to monitor youths placed in the community; place youths according to need, both due to a lack of an adequate re-

¹ DYRS places some court-involved youths who require a less restrictive environment in various types of community-based placements. DYRS places such youths in their own homes or foster homes, in placements where they live independently within a structured program, or in structured, homelike residential settings that are staffed 24-hours per day. DYRS provides these youths with supervision and comprehensive support services designed to reduce their likelihood of re-offending. For more information regarding these community placements, see Chart 2 on page 11.

² "Internal control" is synonymous with "management control" and is defined by the Government Accountability Office (GAO) as comprising "the plans, methods, and procedures used to meet missions, goals, and objectives and, in doing so, supports performance-based management. Internal control also serves as the first line of defense in safeguarding assets and preventing and detecting errors and fraud." STANDARDS FOR INTERNAL CONTROL IN THE FEDERAL GOVERNMENT, Introduction at 4 (November 1999).

³ [Http://dyrs.dc.gov/page/mission-and-vision](http://dyrs.dc.gov/page/mission-and-vision) (last visited Aug. 9, 2013).

EXECUTIVE SUMMARY

assessment instrument and a lack of housing containing appropriate services and levels of security; and systemically analyze reasons youths may be absconding.

Summary of Recommendations

This report makes 17 recommendations to DYRS, including recommendations related to monitoring case manager visits; ensuring that sufficient data related to abscondence are gathered and systematically analyzed; ensuring that DYRS has an adequate instrument to assess youths and sufficient types of facilities so that placements are made with accurate information, objectively, and with the best interest of the individual youth; ensuring that clear protocols and procedures related to abscondence are readily available to DYRS employees, facility operators, and parents/guardians of youths; and ensuring that the agency is optimizing its use of GPS devices in an objective, transparent manner.

In addition to these recommendations, the OIG presents several issues that DYRS should consider. These issues were brought to the OIG's attention through interviews with stakeholders and employees. Although the OIG does not believe the issues rise to the importance of a finding, it believes that consideration of these issues would benefit DYRS when it makes future decisions.

During the special evaluation, DYRS management and employees were cooperative and responsive to OIG inquiries and requests.

DYRS reviewed a draft of this report prior to publication, and inserted comments in the margins throughout the body of the report. The OIG incorporated each of DYRS's comments by using a footnote at the location where DYRS inserted the comment.

Note: The OIG does not correct an agency's grammatical or spelling errors, but does format an agency's responses in order to maintain readability of OIG reports. Such formatting is limited to font size, type, and color, with the following exception: if an agency bolds or underlines text within its response, the OIG preserves these elements of format.

Compliance and Follow-Up

The OIG special evaluation process includes follow-up with DYRS on findings and recommendations. Compliance forms will be sent to DYRS along with this Report of Special Evaluation. The I&E Division will coordinate with DYRS on verifying compliance with recommendations agreed to in this report over an established period. In some instances, follow-up activities and additional OIG reports may be required.

During their review of draft reports, inspected agencies are given the opportunity to submit any documentation or other evidence to the OIG showing that a problem or issue pointed out in a finding and recommendation has been resolved or addressed. When such evidence is accepted, the OIG considers that finding and recommendation closed with no further action planned.

INTRODUCTION

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INTRODUCTION

Overview

The Inspections and Evaluations (I&E) Division of the Office of the Inspector General (OIG) conducted a special evaluation of the Department of Youth Rehabilitation Services (DYRS) from December 2011 through September 2012. DYRS's mission is "to improve public safety and give court-involved youth the opportunity to become more productive citizens by building on the strengths of youth and their families in the least restrictive, most homelike environment consistent with public safety."⁴ DYRS's approved fiscal year (FY) 2012 budget was approximately \$107 million, with 579.4 full-time equivalents.

Objectives, Methodology

The special evaluation objectives were to assess: 1) the quality of DYRS oversight and that of other relevant entities prior to a youth's abscondence; and 2) the effectiveness and timeliness of DYRS efforts and those of other relevant organizations to locate absconders.

OIG inspections and special evaluations comply with standards established by the Council of the Inspectors General on Integrity and Efficiency, and pay particular attention to the quality of internal control.⁵

For this special evaluation, the OIG team conducted interviews with 20 current and former DYRS personnel from various units,⁶ with groups of officials from 17 placement providers that house both committed and detained youths and are located within the District, and with groups of officials from 15 placement providers that house committed youths and are located in Virginia, Maryland, and Pennsylvania (9 of these were done via telephone). In addition, the team conducted on-site observations of 33 facilities in the District and 6 facilities outside of the District (3 community-based residential facilities (CBRFs) and 3 residential treatment centers (RTCs)) whereby the team assessed safety and sanitary conditions of each facility.⁷ The team also observed DYRS's New Beginnings facility and interviewed the facility's Superintendent, and interviewed members of the Metropolitan Police Department (MPD) who respond to abscondences and monitor high-risk youths placed in the community. The team attempted to interview officials from the D.C. Superior Court's Court Social Services (CSS) division, but they did not respond to the OIG's requests for interviews.

⁴ [Http://dyrs.dc.gov/page/mission-and-vision](http://dyrs.dc.gov/page/mission-and-vision) (last visited Aug. 9, 2013).

⁵ "Internal control" is synonymous with "management control" and is defined by the Government Accountability Office (GAO) as comprising "the plans, methods, and procedures used to meet missions, goals, and objectives and, in doing so, supports performance-based management. Internal control also serves as the first line of defense in safeguarding assets and preventing and detecting errors and fraud." STANDARDS FOR INTERNAL CONTROL IN THE FEDERAL GOVERNMENT, Introduction at 4 (November 1999).

⁶ The team interviewed members of, among others, the Case Management Division, Abscondence/Electronic Monitoring Unit, and the Licensing, Contract Monitoring, and Compliance Division.

⁷ The team focused its observations on common, observable conditions that a layperson would notice, as they are not licensed housing or safety inspectors.

INTRODUCTION

Scope, Limitations

The special evaluation team focused primarily on youths committed to DYRS (“committed youth”) whom DYRS has placed in the community either with residential placement providers or with their families.⁸ Due to confidentiality regulations, the OIG team was unable to review the case records or DYRS files of DYRS youths, observe facilities actually monitoring youths, or interview any youths or their families. D.C. Code §§ 16-2331 - -2333 (2001) grant law enforcement access to youths’ confidential information in certain instances, but the statutes do not include any provisions affording the OIG’s non-law enforcement personnel similar access.⁹

History of DYRS’s Current Rehabilitation Model

In 2000, Mayor Anthony Williams appointed a commission to rethink how the District treated youths in the juvenile (an individual under the age of 21) justice system. This commission recommended closing the Oak Hill Youth Center (Oak Hill), the District’s long-term incarceration facility, and replacing it with a smaller, home-like facility.¹⁰ The commission also recommended redirecting District resources from incarceration to community-based alternatives.¹¹

The DYRS Establishment Act of 2004 (Act) established DYRS as a separate, cabinet-level agency. The Act directed DYRS to reform the District’s juvenile justice system and establish state-of-the-art programs and facilities.¹² As part of this reform, DYRS chose to incorporate two models of youth justice to guide its operations.

First, DYRS adopted the concepts from a juvenile justice system known as the Missouri Model¹³ into its culture and practice.¹⁴ The Missouri Model, at its core, focuses on placing

⁸ To a lesser degree, the team also evaluated pre-dispositional youths (“detained youth”) who, although technically in the custody of CSS, are placed in shelter homes that are under DYRS’s supervision.

⁹ The statutes confer to “persons having a professional interest in the protection, welfare, treatment, and rehabilitation of the [child]” the ability to observe information contained in juvenile case records, juvenile social records, and law enforcement records pertaining to a child. D.C. Code §§ 16-2331(c)(5), 16-2332(c)(5), and 16-2333(b)(5) (2001). The OIG is not specifically included as one of these “persons.” The Inspector General submitted a letter to Councilmembers Graham, Mendelson, and Wells on February 1, 2010, seeking an amendment to this clause to grant the OIG similar access, but no action has been taken.

¹⁰ In May 2009, DYRS closed Oak Hill and opened the New Beginnings Youth Development Center (New Beginnings), a 60-bed secure facility to house committed youth.

¹¹ See LIZ RYAN AND MARC SCHINDLER, NOTORIOUS TO NOTABLE: THE CRUCIAL ROLE OF THE PHILANTHROPIC COMMUNITY IN TRANSFORMING THE JUVENILE JUSTICE SYSTEM IN WASHINGTON, D.C. 3 (undated).

¹² D.C. Code §§ 2-1515.02(a)(2) and (3).

¹³ **DYRS’s October 2013 Response, as Received:**

The Missouri Model informs the function and form of New Beginnings, as well as influencing DYRS’ mission to place young people in the least restrictive environment possible consistent with public safety. The Missouri Model does not necessarily guide the entirety of DYRS’ principles and operation. See “Capital Change” for more information: <http://www.vera.org/sites/default/files/resources/downloads/Capital-Change-process-evaluation-DC-FINAL2.pdf>.

INTRODUCTION

youths in smaller facilities near their homes, rather than in large institutions, and extensively involves family members in a youth's treatment and development of academic, pre-vocational, and coping skills.¹⁵ The model deemphasizes the use of mechanical restraints and incarceration and focuses instead on rehabilitation in a more "family-like" environment. The District's implementation of the Missouri Model is important in the context of preventing abscondences because the model advocates placing a high percentage of youths in the community rather than locking them behind a door or using other conventional correctional confinements. Because the District is a unique entity (i.e., small geographic area, entirely urban), DYRS had to modify some of the Missouri Model's tenets to make them more suitable for the District's youths.

Second, DYRS has implemented the Positive Youth Justice Model, which "offers new directions to help [DYRS] create (with and for youth) a wider range of constructive pathways to reconnect with school, family and community life, and re-define their own futures."¹⁶ DYRS describes Positive Youth Justice as engaging youth in productive ways, connecting them with caring adults, and helping them meet their developmental needs, and sees it as the most effective approach to rehabilitate youth and ensure public safety.¹⁷

Explanation of Detainment and Commitment

The District's juvenile justice system consists of two primary phases: detainment and commitment. After being arrested, a juvenile enters the detainment phase. In this phase, the D.C. Superior Court determines whether to hold the youth at the Youth Services Center (YSC), place him in a detention alternative such as a shelter home, or release him to a parent/guardian.¹⁸ During this time, D.C. Superior Court's CSS division exercises custody over the youth. If the court finds that the youth was involved in a delinquent act (the juvenile justice equivalent to being guilty of a crime), or the youth pleads to the same, the court determines the youth's disposition during another hearing. In FY 2012, DYRS served a total of 874 detained youths¹⁹ awaiting court appearances in some manner.

*However, there are other, broader research-based principles that provide the foundation of DYRS' mission to serve young people in the least restrictive environment consistent with public safety. Please rely on research found in "No Place for Kids": http://www.aecf.org/OurWork/JuvenileJustice/~media/Pubs/Topics/Juvenile%20Justice/Detention%20Reform/NoPlaceForKids/JJ_NoPlaceForKids_Full.pdf or the more recently released research from the National Research Council, *Reforming Juvenile Justice*: http://www.nap.edu/catalog.php?record_id=14685.*

¹⁴ See TESTIMONY OF ROBERT HILDUM, INTERIM DIRECTOR, DEPARTMENT OF YOUTH REHABILITATION SERVICES, FOR PUBLIC OVERSIGHT ROUNDTABLE: AN UPDATE ON THE STATUS OF DYRS BY THE NEW INTERIM DIRECTOR 2 (Sept. 23, 2010).

¹⁵ For more information on the Missouri Model, see ANNIE E. CASEY FOUNDATION, *THE MISSOURI MODEL: REINVENTING THE PRACTICE OF REHABILITATING YOUTHFUL OFFENDERS* 13 (2010).

¹⁶ Butts, Jeffery A., Gordon Bazemore, & Aundra Saa Meroe (2010). *Positive Youth Justice—Framing Justice Interventions Using the Concepts of Positive Youth Development*. Washington, DC; Coalition for Juvenile Justice. © 2010.

¹⁷ See DYRS ANNUAL PERFORMANCE REPORT FY 2011, 6 (Mar. 2012).

¹⁸ Youths aged 15 to 17 charged with certain violent crimes may be transferred to the adult system.

¹⁹ OIG Comment: **The OIG draft report that DYRS reviewed cited information from DYRS's FY 2012 Annual Performance Report, which stated 954 detained youths were served by DYRS during the fiscal year.**

INTRODUCTION

At the dispositional hearing, the court determines whether the youth should be placed on probation and remain under the custody of CSS, or be committed to DYRS custody. Youths committed to DYRS's custody enter the commitment phase of the juvenile justice system. The commitment phase typically lasts significantly longer than the detainment phase. The court can commit a youth for a specific time, but cannot commit the youth past his/her 21st birthday. The court can require DYRS to obtain approval prior to ending a youth's commitment or grant DYRS the discretion to determine when to end the youth's commitment. During a youth's commitment, DYRS provides community-based services including job training, mentoring, and global positioning system (GPS) monitoring. In FY 2012, DYRS served a total of 1,152 committed youths.²⁰

Problematic, Unclear Relationship between CSS and DYRS

DYRS exercises custody over youths in the commitment phase. As such, DYRS is responsible for all aspects of the youth's placement and rehabilitation, including preventing youths from absconding and responding to and locating those who abscond.

CSS exercises custody over youths who have been placed on probation or youths in the detainment phase who have been remanded to their own homes pending a dispositional hearing. CSS probation officers act as these youths' case managers and are responsible for monitoring them. CSS is also responsible for ensuring that youths on probation do not abscond and for locating any youths who do. DYRS officials told the OIG team that DYRS is incorrectly blamed at times by stakeholders and the media when youths on probation abscond and/or commit crimes.²¹

The relationship between CSS and DYRS as it relates to detained youths is unclear to many, including DYRS managers. When detained youths are not remanded to their own homes, they are placed in community-based shelter homes operated by DYRS contractors or in the DYRS YSC,²² even though they are technically under the custody of CSS. While housed in

In its October 2013 response to the draft report, DYRS stated the number of detained youths served during FY 2012 was 874.

²⁰ See DYRS ANNUAL PERFORMANCE REPORT FY 2012, 50 (Mar. 2013). **The draft report contained information from FY 2011 and listed 1,269 committed youths as being under DYRS custody at one point during the fiscal year. In its October 2013 response, DYRS stated the number of committed youths served during FY 2012 was 1,152.**

²¹ **DYRS's October 2013 Response, as Received:** *It is unclear what "DYRS officials" the OIG team spoke with and DYRS disputes that any current DYRS officials would express such views. Regardless of what may have been communicated by these unidentified officials, it is more accurate to say that those unfamiliar with the juvenile justice system may incorrectly assume that all youth who commit crimes are committed to DYRS when they may in fact be under the supervision of CSS or may not be involved in the juvenile justice system at all.*

OIG Comment: The OIG protects the confidentiality of interviewees and therefore cannot identify the officials who expressed these views. The OIG stands by the statement as written.

²² Youths housed in these facilities operated by DYRS remain under the custody of CSS. CSS supervises and serves newly arrested juveniles entering the court system, Persons in Need of Supervision (PINS) cases and truancy cases, probation, and diversion matters. According to its website, CSS has an average of 1,600 youths under its supervision at any given time.

INTRODUCTION

shelter homes or at the YSC, youths have no contact with DYRS case managers, as the youths' CSS probation officers take on this responsibility. As for DYRS's other roles in detained youths' lives, the OIG team received varying responses. Several DYRS managers gave contradictory responses regarding who provides these youths with therapeutic services and who plays what role when a youth absconds from a shelter home.²³ The OIG team also received contradictory responses as to the status of CSS's abscondence unit and whether DYRS's abscondence unit plays any role in assisting with locating detained youths who abscond.

DYRS senior officials seemed confused about the origin of and bases for this vague relationship, which appears to be one of longstanding habit, as opposed to a formal, documented arrangement.²⁴ When asked to explain the unclear lines of accountability between CSS and DYRS, several DYRS senior officials were unable to articulate a plausible reason, one stating only that, "This has been the case historically."

The OIG team finds the relationship between CSS and DYRS problematic for several reasons. First, DYRS is expending funding and resources to care for youths who are technically not in its custody. Second, evaluating DYRS's performance with regard to detained youths is difficult, as the OIG team found confusion among the shelter home operators. Operators frequently attributed blame to DYRS that the OIG team determined should have been directed at CSS. Third, when a detained youth absconds, DYRS is unclear as to its role in locating and returning the youth. This creates the potential that a response to an abscondence will be delayed before the proper agency begins searching.²⁵ Fourth, although DYRS generally decides which shelter homes in which it places youths, DYRS has little say in whether youths should be placed in shelter homes and is not directly involved in ensuring that youths get proper treatment. Placing youths in appropriate housing and providing necessary services help reduce the risk of abscondence.

The team attempted on multiple occasions to interview officials from CSS to clarify this relationship and provide actionable recommendations to DYRS regarding its role in monitoring detained youths. CSS, however, did not respond to the OIG's requests.

²³ **DYRS's October 2013 Response, as Received:** *Services are provided by Court Social Services, including addressing abscondences.*

²⁴ **DYRS's October 2013 Response, as Received:** *DYRS strongly refutes the assertion that there is confusion about the roles of CSS and DYRS. In addition, it is unclear why the history and basis of the relationship between CSS and DYRS would be relevant here. In addition, together, CSS and DYRS comprise the juvenile justice system for the District. The agencies often collaborate on a case-by-case basis to serve youth. This strong relationship gives the agencies flexibility to address issues as they arise.*

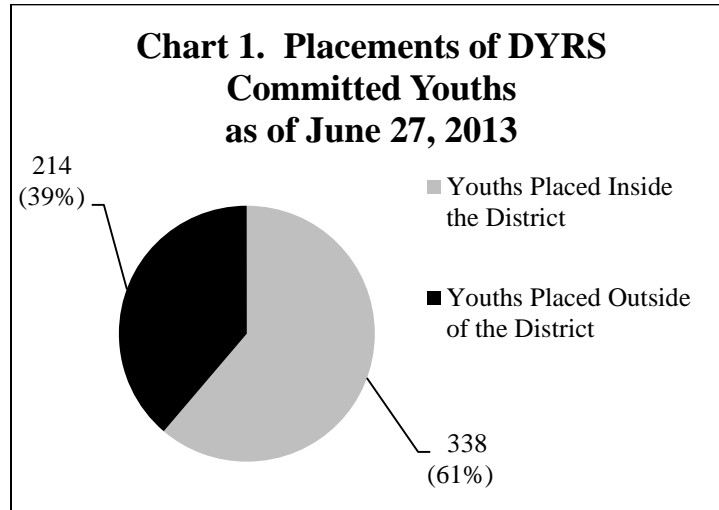
OIG Comment: **The OIG stands by this statement. During separate interviews, two senior officials expressed confusion about the origin of DYRS's practice of caring for detained youths who are under CSS custody. Their confusion is relevant given the frustrations that other DYRS interviewees expressed when explaining how DYRS cares for youths who are technically not in their custody. The OIG does not dispute the assertion that DYRS and CSS work together to administer the juvenile justice system.**

²⁵ **DYRS's October 2013 Response, as Received:** *All Providers use the Office of Unified Communications protocol to report abscondences.*

INTRODUCTION

Placements for Committed Youths

DYRS houses committed youths both inside and outside the District's jurisdiction. Chart 1 illustrates the breakdown of committed youths housed inside and outside of the District as of June 27, 2013.



Though the court may recommend a placement to DYRS, DYRS generally makes placement decisions using the results of the Structured Decision-Making (SDM) risk assessment after the youth is committed. The SDM balances the severity of a crime allegedly committed to the risk that a youth will re-offend as determined through the evaluation of subjective and objective “risk” factors that are statistically correlated with recidivism. The SDM ranks youths as high-, medium- or low-risk. DYRS uses this risk rating to determine the level of security appropriate for a youth at the time of commitment. A DYRS case manager may override a risk rating if he/she can delineate adequate reasons for such a decision.

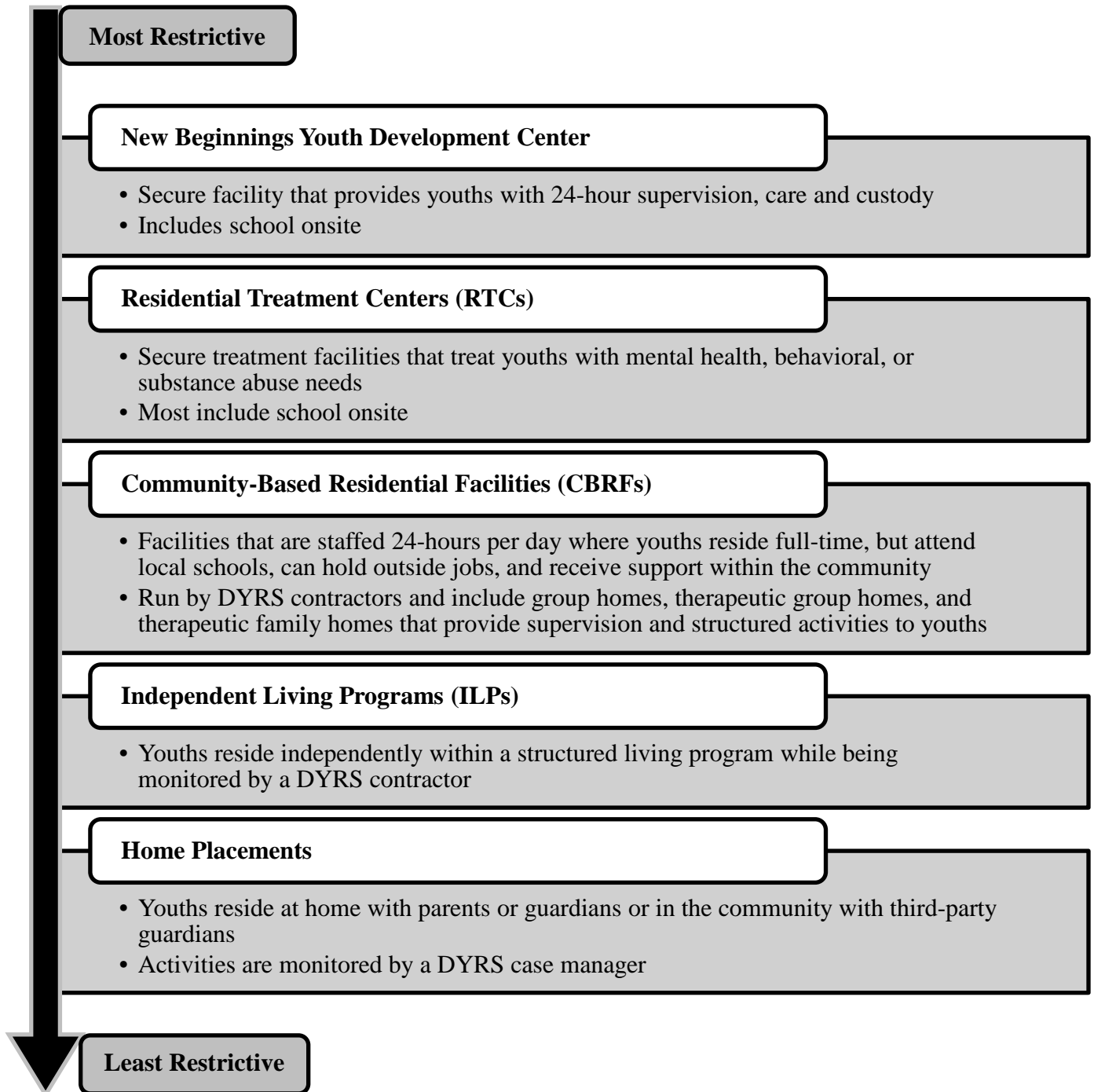
Based on the court's recommendation, the risk rating, and then ultimately the case manager's decision, DYRS places committed youths in housing with security levels ranging from secure confinement to home placement. Table 1 on the following page illustrates and describes the facilities that comprise DYRS's “continuum of care.” In addition to the types of facilities listed in Table 1,²⁶ DYRS may place a youth in an “awaiting placement” facility shortly after a youth's initial commitment to DYRS or during a youth's transition between facilities.²⁷

²⁶ **DYRS's October 2013 Response, as Received:** *All youth are monitored by DYRS case managers – the chart states that only youth in home placements are monitored by case managers. Community-based Service Providers are also responsible for engaging youth in regular structured activities.*

²⁷ The court may also place a youth in an adult jail for charges involving an adult offense.

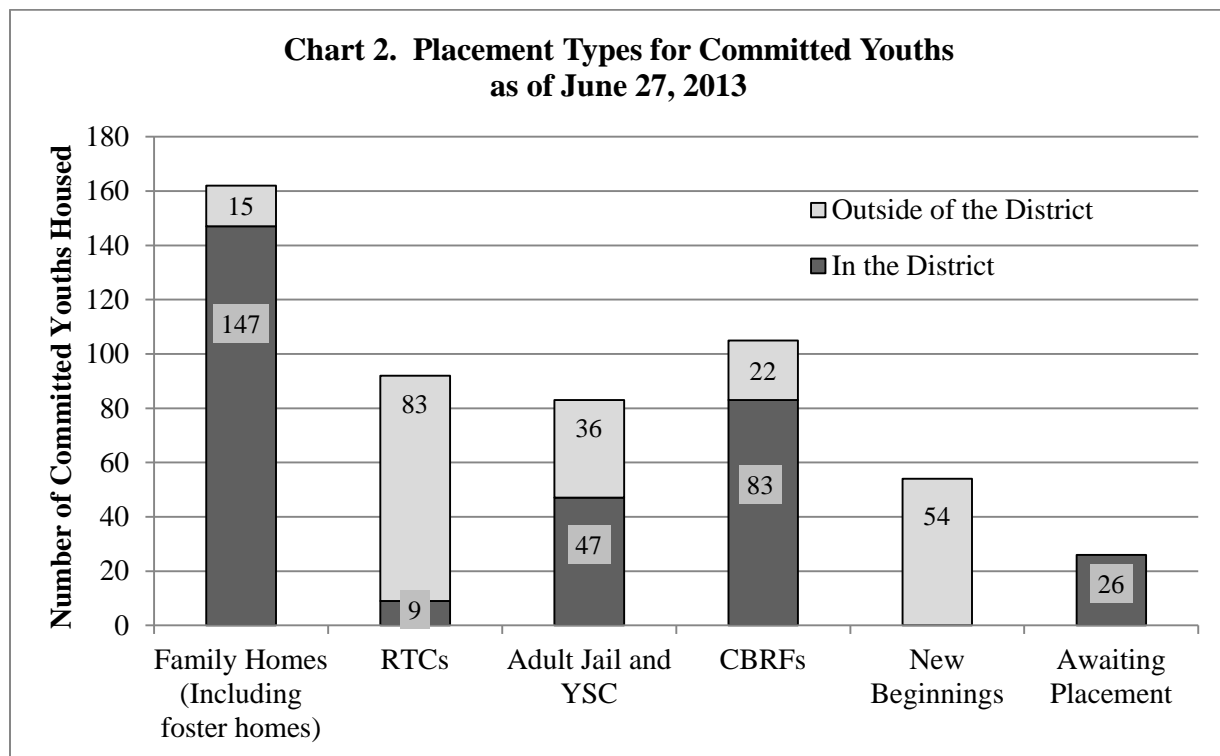
INTRODUCTION

Table 1. DYRS's Continuum of Care



INTRODUCTION

Chart 2 below illustrates the types of placements²⁸ occupied by committed youths as of June 27, 2013.²⁹



Responsibilities of DYRS's Case Managers

The rehabilitation model implemented by DYRS is heavily dependent upon DYRS's case managers. Case managers are responsible for overseeing the care and services provided to committed youths. Case managers' duties include coordinating placements and services, maintaining contact with youths and their families, and updating case records. Case managers also work with youths and their families to write Individual Development Plans (IDPs), which outline supervision and services required to help youths successfully transition to adulthood without re-offending. Case managers are in charge of administering an SDM risk assessment if one has not yet been administered, updating an SDM risk assessment if a youth receives a new criminal charge, helping to determine where to place a youth, giving a placement facility a referral packet containing complete and updated information about a youth, determining whether a youth must wear a GPS device, and participating in Youth Family Team Meetings (YFTMs) to discuss the youth's placement, among other responsibilities.³⁰

²⁸ In Chart 2, CBRFs include group homes, therapeutic family homes, therapeutic group homes, youth shelter homes, and motherhood programs.

²⁹ The totals used in the chart include committed youths who were both placed in that particular type of facility and youths who were, as of that date, in absence from that type of facility.

³⁰ **DYRS's October 2013 Response, as Received:** *YFTMs are intended to discuss strengths and challenges to*

INTRODUCTION

Distinction Between Abscondence and Escape

The OIG team believes that the distinction between an abscondence and an escape is important to note. According to DYRS policy, an abscondence pertains to a youth who is “willfully and physically absent from the care and custody of required DYRS placements and/or [does] not return to a DYRS placement without approval.”³¹ An escape, on the other hand, is “[t]o flee from the secure custody of DYRS.”³²

As the definitions illustrate, an escape is prevented primarily by controls that keep the youths secured in a building or facility, such as locks, fences, and other restraining devices. Abscondences involve youths who are not physically restrained or controlled in any way. Preventing abscondences, then, primarily involves convincing youths to stay in a facility willingly.

inform service decisions, not placement decisions.

³¹ DYRS Policy 08-9.6A, *Transporting and Escorting Youth*, § VI.A (Jan. 23, 2009).

³² *Id.* § VI.D.

**Summary of Management Alert Report
(MAR 12-I-003; Issued April 30, 2012)**

*Juvenile Abscondence Review Committee Has Not Convened
in Accordance with a District Law that Went Into Effect in
March 2011*

MANAGEMENT ALERT REPORT 12-I-003

During fieldwork, the team learned that the Juvenile Abscondence Review Committee (JARC) had not been staffed with members and had not convened. The Expanding Access to Juvenile Records Amendment Act of 2010 (D.C. Law 18-0284) (the Act), with an effective date of March 8, 2011, established the JARC. The law requires JARC to review cases of serious crimes, such as homicide and armed assault, committed by juveniles in abscondence; determine what measures might have prevented the abscondences; and recommend ways to identify and locate high-risk youths in abscondence who may commit such crimes.

The team found that the JARC had not met and that the Mayor had not appointed a public member to the committee as required by the Act. Interviewees could not explain the delay in establishing the JARC, and the Act does not specify which entity is in charge. DYRS provided two draft Mayor's Orders. One was to appoint a yet-to-be-named public member, and the other directed DYRS to provide administrative support to the JARC.

On April 30, 2012, the OIG issued MAR 12-I-003 to the Mayor and the Director of DYRS. DYRS responded to the MAR on May 17, 2012, and stated that planned steps include issuing a mayoral order establishing DYRS as the coordinating agency for the committee and that the public member of the committee will be submitted to the Council for approval. The complete MAR and its recommendations, as well as DYRS's response, may be accessed at the OIG's website.³³

On June 6, 2012, the Mayor issued a Mayor's Order establishing that DYRS would provide administrative support for the JARC. On June 12, 2012, the Mayor nominated an individual to be the public member of the JARC. This nomination was approved by the D.C. Council on October 16, 2012, and the Mayor issued another order on October 19, 2012, officially appointing the public member to serve a term of 2 years.

New Recommendation:

That the Director of DYRS (D/DYRS) provide the Inspector General with an up-to-date summary of all actions taken to establish and convene the JARC, and the dates of all JARC meetings that have been held or are planned.

Agree _____ **X** _____ Disagree _____

³³ See <http://oig.dc.gov>, and click on Inspection and Evaluation reports to find the April 30, 2012, MAR.

DYRS's October 2013 Response, as Received:

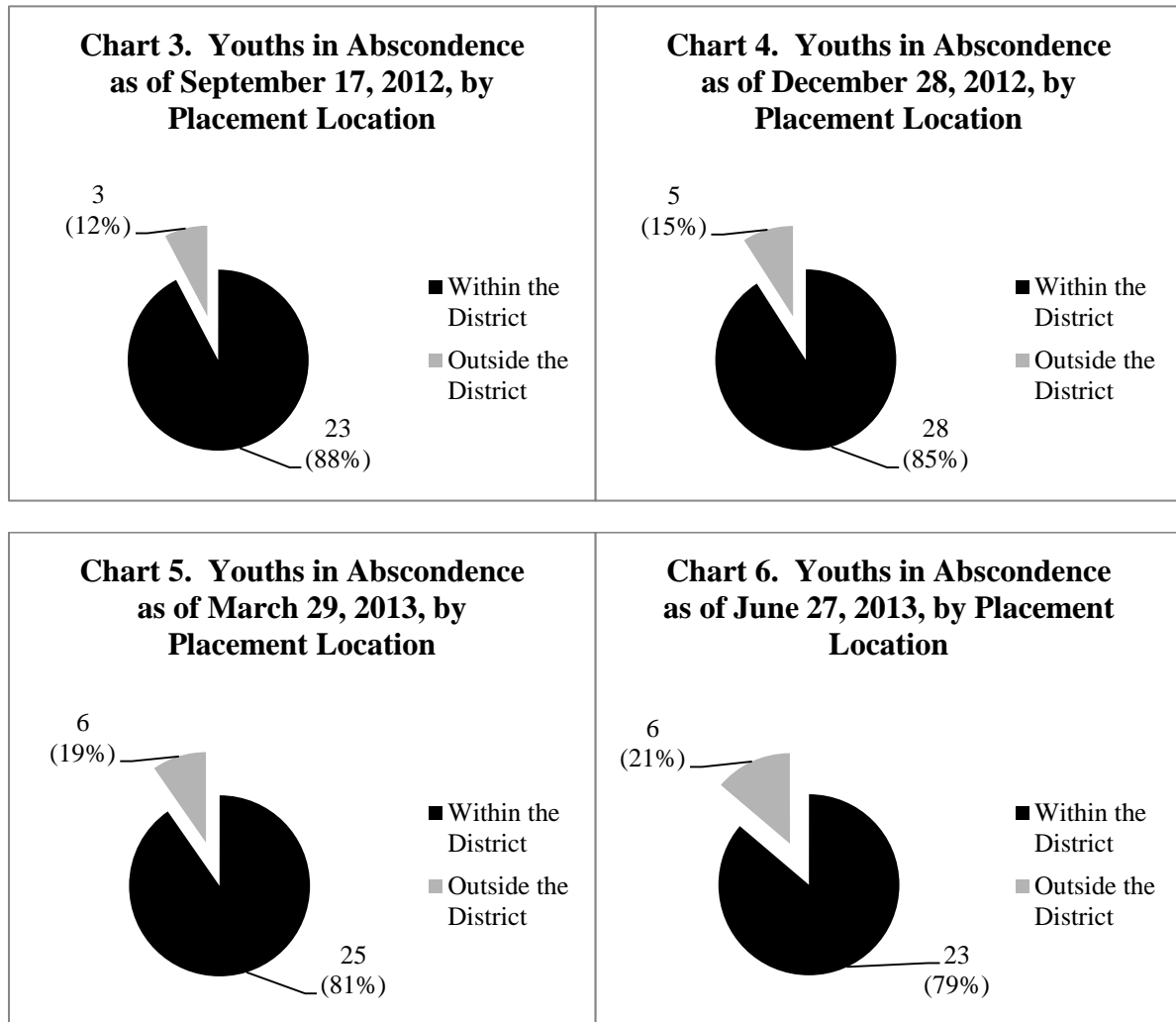
DYRS believes that the agency's response to the MAR should be included in this document as opposed to being directed to OIG's website. Specifically, that DYRS believes the MAR issued was 1) internally inconsistent; 2) recommended action steps not required by law; 3) relied on unverified news sources to reach conclusions; and 4) according to OIG's documents, could have extended DYRS more courtesy by contacting management, as opposed to issuing a flawed MAR.

**FINDINGS AND RECOMMENDATIONS –
MONITORING YOUTHS AND PREVENTING
ABSCONDENCES**

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

Overview, General Assessment

According to DYRS, a total of 556 abscondences by 351 different youths occurred from July 1, 2011, through June 30, 2012. From July 1, 2012, through June 30, 2013, an additional 491 abscondences by 381 different youths occurred.³⁴ These abscondences occurred from both facilities located within the District and from facilities located outside the District. Charts 3–6 compare how many youths were in absence from facilities located within the District versus facilities located outside the District on four randomly chosen dates in 2012 and 2013.



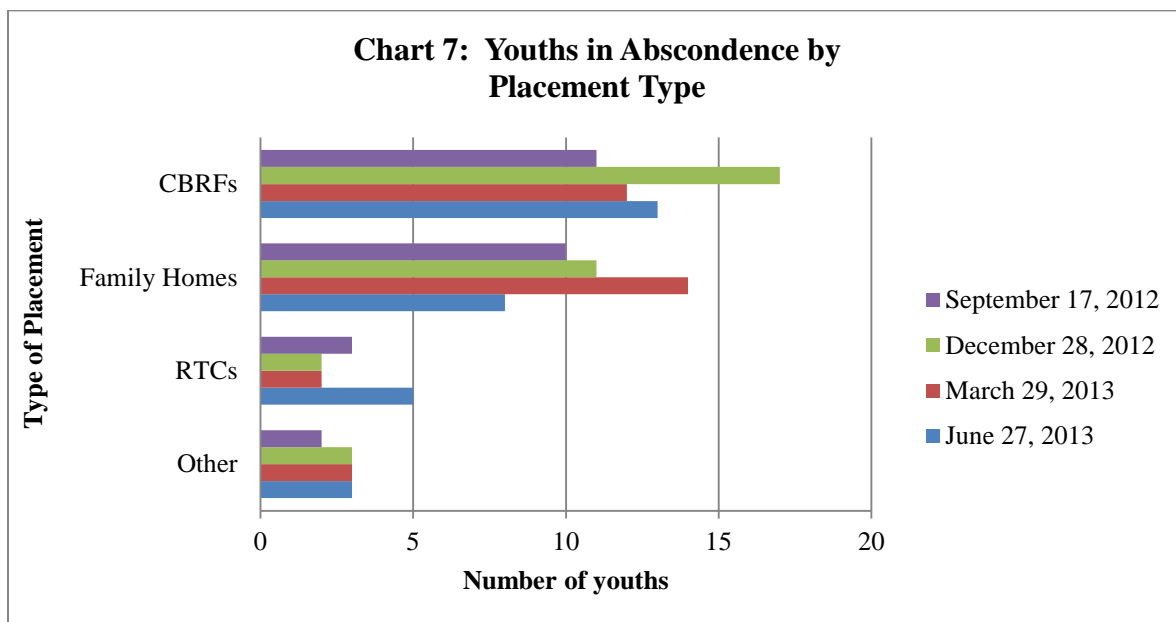
³⁴ **DYRS’s October 2013 Response, as Received:**

Important to note that an abscondence can be as short as one hour.

OIG Comment: The OIG acknowledges that abscondences can be as short as 1 hour. The OIG emphasizes, however, that losing contact with a youth for any amount of time, even only an hour, is a problem that needs to be addressed. Interviewees repeatedly noted that DYRS does not distinguish between abscondences that are short in length and those that persist for a longer time.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

Chart 7 illustrates the number of youths in abscondence from each type of facility on each of these dates. The chart reveals that the majority of abscondences occur from CBRFs and family homes.



Abscondences are still occurring. The OIG team, however, acknowledges the significant steps that DYRS has taken towards reducing the number of abscondences. According to DYRS, 26% of youths were in abscondence in 2003. That rate dropped significantly in subsequent years to 7% in FY 2009; 8% in FY 2010; 6% in FY 2011; and 5% in FY 2012. The number of youths in abscondence dropped from an average of approximately 80 youths in FY 2010 to approximately 46 youths in FY 2012.

Facility operators that contract with DYRS have noticed DYRS's efforts at reducing the abscondence rate and repeatedly told the OIG team that DYRS seemed much more focused in this area.

DYRS officials credited the reduction in abscondences, in part, to the following key initiatives that they enacted during FY 2011 and FY 2012:³⁵

- DYRS increased the number of youths, who, at some point, have been monitored by a GPS monitoring device from 26 youths in FY 2010 to 570 youths in FY 2011. As of late September 2012, 182 of the 367 youths in CBRFs were outfitted with GPS monitors.
- DYRS provided training to case managers to help them analyze GPS tracking data and identify trends and activity that may precede an abscondence.

³⁵ **DYRS's October 2013 Response, as Received:** *Please add this bullet: The DYRS abscondence unit has also focused on engaging youth in order to prevent abscondences.*

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

- DYRS collaborated with MPD on the Partnership for Success program to increase supervision of and services for selected youth placed in the community and meets twice weekly with MPD to discuss youth in the community.
- DYRS introduced a scorecard designed to evaluate CBRFs using, among other indicators, abscondence rates.
- DYRS implemented a “Graduated Responses Protocol” in February 2012 to provide its case managers with incentives for compliant youths, and the ability to deliver swift, individualized sanctions to youths who violate their Community Placement Agreements (CPAs).
- DYRS hosted focus groups in October 2012 with youths who absconded from CBRFs and explored reasons why they absconded, gathered feedback about DYRS facilities and services, and identified steps that could prevent future abscondences.
- In July 2012, DYRS adopted the recommendations of the Annie E. Casey Foundation (hereinafter Casey Foundation) and the National Council on Crime and Delinquency and revised the SDM risk assessment tool to more accurately weigh certain variables determining the risk score in an effort to improve placement decisions.
- DYRS established a hotline for youths to call if they are in crisis, including if they are contemplating absconding.
- DYRS now requires CBRFs to establish an abscondence prevention plan, which must include in-program mentor assignments and random physical school checks for youth at-risk of abscondence.

The OIG team was struck by how difficult the task of preventing abscondences can be. The rehabilitation model that DYRS has adopted relies heavily on empowering youths to make the decision to abide by rules and refrain from absconding. Interviewees repeatedly told the team that providing youths with high quality services is the most effective way to prevent abscondences. Though the OIG team was unable to evaluate the quality of those services given its limited access to juvenile offenders, the team believes that the significant reduction in youths in abscondence during FY 2011 and FY 2012 indicates that measures taken by DYRS to prevent abscondences seem to be working.

While it is important to acknowledge DYRS’s apparent success in reducing abscondences, prevention is an issue that DYRS must continually address. Specifically, the OIG team found four deficiencies that rose to the level of findings and several other issues related to abscondence prevention that DYRS should address.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

1. DYRS case managers monitor youths inconsistently; management’s oversight of case managers’ contacts with DYRS youths is inadequate.

Background: Providing youths with extensive and ongoing individual attention and providing considerable support and supervision for youths transitioning home are two of the six core principles of the Missouri Model. In the Missouri Model, the case management system is “[p]erhaps the most important [] strategy to individualize care”³⁶ A case manager (called a service coordinator under the Missouri Model) makes monthly visits to a youth during confinement and then acts as the primary person responsible for supervising the youth after he/she leaves a facility (referred to as aftercare) by, among other strategies, conducting regular meetings.

Criteria:³⁷ DYRS’s Case Management Manual, Version 4 (hereinafter the “Manual”), mandates that DYRS case managers contact youths in person at regular, prescribed frequencies. The Manual differentiates among in-person contact requirements for youths living in New Beginnings, RTCs, CBRFs, family homes, and independent living situations. The Manual also differentiates between facilities located in the District or within 50 miles of the District, and facilities located more than 50 miles from the District. Table 2 below outlines the visit requirements mandated by the Manual.

Table 2. Mandated In-Person Contacts by DYRS Case Managers

| Condition | Frequency of In-person Visits |
|---|---|
| Youth living at home | At least twice per month ³⁸ |
| Youth living in independent living | At least twice per month ³⁹ |
| Youth living in a local ⁴⁰ group home | At least once per month |
| Youth placed in New Beginnings | At least once per month |
| Youth living in a RTC or group home more than 50 miles outside D.C. | Once per 90 days |
| Youth who scored high on the SDM risk assessment | At least once per week for the first 60 days following release into the community ⁴¹ |

³⁶ ANNIE E. CASEY FOUNDATION, THE MISSOURI MODEL: REINVENTING THE PRACTICE OF REHABILITATING YOUTHFUL OFFENDERS 21 (2010).

³⁷ “Criteria” are the rules governing the activity being evaluated. Examples of criteria include internal policies and procedures, District and/or federal regulations and laws, and best practices.

³⁸ At least one of these in-person visits must be in the youth’s home, school, or neighborhood.

³⁹ At least one of these in-person visits must be in the youth’s home, school, or neighborhood.

⁴⁰ DYRS does not define what are considered to be “local” group homes, despite placing youths in such facilities outside but near the District.

⁴¹ In lieu of this requirement, the youth may be assigned Intense Third-Party Monitoring (ITPM). Though rare,

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

In addition to these in-person contacts, case managers must maintain regular contact with each youth's family and talk to a parent/primary guardian of each youth at least once every 30 days.

The Manual allows a case manager's supervisor to strengthen or relax these mandated contacts for certain youths, but the supervisor must formally designate these cases.⁴² The Manual also allows case managers to use "Differential Case Management," which grants DYRS case managers the discretion to visit some youths in RTCs once every 6 months, rather than once every 90 days.

The Manual requires supervisors to meet with their assigned case managers and review each youth's paper file and Youth Empowerment System (YES!) electronic file every 45 days. The specific purpose of these file reviews is to ensure that case managers visit youths twice a month, talk to youths once a week, coordinate needed services, and update the youths' files in YES!. The supervisor must then place a summary case note in each youth's file.

Condition:⁴³ DYRS case managers are not meeting with youths as frequently as the Manual requires. Multiple interviewees informed the OIG team that, although some case managers are meeting the requirement, many are not meeting with youths in person as often as they should. DYRS case managers have been especially negligent at visiting youths housed in facilities located more than 50 miles outside the District. A DYRS senior manager reported that the policy requiring visits to youths housed more than 50 miles outside of the District "was not being enforced."⁴⁴

Interviewees reported to the OIG team that:

- DYRS case managers had not visited some youths outside the District in at least 6 months;
- in at least one case, a DYRS case manager had never visited a youth placed several states away.⁴⁵

when a case manager assigns ITPM, he/she must review the youth's compliance once per week for the first 60 days.

⁴² The Manual does not specify how the case manager's supervisor must "formally identify" the cases abiding by the relaxed contact requirements.

⁴³ The "condition" is the problem, issue, or status of the activity being evaluated.

⁴⁴ **DYRS's October 2013 Response, as Received:**

On October 3, 2013, 11 youth were placed in community-based residential facilities more than 50 miles away. DYRS disputes the assertion that DYRS case managers have been "negligent" at visiting youth in out-of-state RTCs. Although budget constraints last year did not allow for frequent visitation to facilities more than 50 miles away, in person visits did occur. Currently, we are using differential case management and case managers are visiting facilities as required.

OIG Comment: The OIG stands by the direct quote from a DYRS senior manager. Interviewees from facilities located more than 50 miles from the District and DYRS case managers corroborated the assertion that case managers do not visit youths with the required frequency.

⁴⁵ The parents/guardians of the youth described in this case had also been unable to visit the youth. Given the Missouri Model's emphasis on family involvement in a youth's rehabilitation, the OIG team finds this information especially troubling.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

- when case managers do visit youths, they often only visit as a reaction to specific incidents that require case manager intervention, rather than visiting proactively at a consistent interval;
- while housed in a DYRS facility, one youth did not see a DYRS case manager for 18 months;
- case managers are not visiting youths in schools frequently enough; and
- case managers are often counting visits that occur when a youth comes to DYRS and submits a urinalysis as one of their mandatory meetings, despite these visits not being therapeutic in nature.

The Manual does not specifically list alternative visit arrangements,⁴⁶ such as allowing one case manager to visit all youths in the same facility, regardless of who is the youth's specific case manager or using technology, like video conferencing. A senior official stated that DYRS does not have a formal policy related to these alternatives.

Cause:⁴⁷ Lack of Funding: A DYRS senior official reported that meetings with youths outside of the District have not occurred as frequently as prescribed because case managers lack the budget to do so. DYRS case managers also reported that they are impeded from traveling to visit youths because DYRS does not allocate funds for this type of travel.⁴⁸ A senior official indicated that the lack of funding granted for travel was due to the District-wide freeze on agency travel.

Case Managers' Hours: The schedule that DYRS requires case managers to work limits their availability to visit youths. Case managers' tours of duty generally end between 5:00 p.m.

⁴⁶ **DYRS's October 2013 Response, as Received:**

Facilities have video conference capabilities and DYRS is in the process of formalizing the availability of video conferencing. In addition, all case managers have mobile communication devices that include video conferencing software.

OIG Comment: During OIG fieldwork, DYRS's Manual did not cite such capabilities, and no facilities reported having conducted video conferences.

⁴⁷ The "cause" is the action or inaction that brought about the condition being evaluated.

⁴⁸ **DYRS's October 2013 Response, as Received:**

This is not accurate. DYRS budgets for case managers to travel outside of the District to visit youth in out-of-state placements. Case managers and social workers also are required to have regular phone contact with youth, and may use video-conferencing to meet with youth in non-local placements when appropriate.

OIG Comment: After receiving this response, the OIG asked DYRS for the amount of money budgeted for travel to visit youths in out-of-state placements, the amount expended on such travel, and the number of trips these expenditures constituted. DYRS provided this subsequent response: "DYRS budgeted \$37,799 for out-of-state travel in FY13 and actually spent \$32,168.32. In FY13, DYRS has 85 youth placed outside of the District. Case Management staff visit each youth every 90 days." The OIG acknowledges DYRS's response. However, four interviewees, including a high ranking DYRS official, independently told the OIG that DYRS had not provided funding to make the required number of visits to youths placed outside of the District. This portion of this finding only addresses case managers' in-person visits because the Case Management Manual provided to the OIG at the time of its fieldwork requires personal visits of varying frequencies by case managers. Consequently, although the OIG recognizes the value of video-conferencing, any video-conferencing by case managers is irrelevant in this instance. Regardless whether funds were allocated for travel, the OIG is concerned that case managers and senior officials were not aware of this funding.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

and 5:30 p.m. each day. Many case managers provide their cell phone numbers to youths and make and receive telephone calls after hours. Some even adjust their hours to accommodate youths. DYRS, however, does not require any case managers to be on duty at night or on the weekend, which presents two problems. First, case managers have a narrow window of time to visit youths after school and before their tours of duty end. Although case managers can visit youths while school is in session, such visits involve removing youths from their classrooms. Doing so is not ideal, as it both causes youths to miss instructional time and potentially stigmatizes youths by drawing attention to their circumstances. Second, youths may be unable to contact their case managers after-hours, as case managers are not required to answer their telephones.⁴⁹

Lack of Supervision over Case Managers: DYRS case manager supervisors are not reviewing case managers' files to assess compliance with the Manual's in-person contact requirements. Currently, case manager supervisors instruct case managers to complete a spreadsheet indicating, among other things, when he/she last visited his/her assigned youths.⁵⁰ The case manager supervisor then examines the youths' files manually and, on occasion, visits the facilities to verify these reports. Case manager supervisors are reportedly conducting case file reviews, but not at the 45-day interval prescribed in the Manual. Doing so would not be possible, according to interviewees, as the current file review method takes a significant amount of time. Interviewees reported that four case manager supervisors cannot possibly review over 900 youths' files in this manner every 45 days and called this expectation "unrealistic."

To address some of these concerns, DYRS began producing youth-specific reports from its YES! case management system that furnish information about individual youths for each case manager, such as when a case manager last met with a youth and how many of each case manager's youths are assigned a GPS device. DYRS, however, has not programmed YES! to produce routine management reports that aggregate data by staff member, data that could be used to evaluate case managers' compliance with mandated visit frequencies.⁵¹ Producing such management reports electronically would enable supervisors to quickly determine which case

⁴⁹ **DYRS's October 2013 Response, as Received:**

This is not accurate. DYRS has been involved in discussions with the bargaining unit that represents case managers (AFGE) regarding evening and weekend hours for case managers. While no agreement has been reached as to alternative work schedules, DYRS is hopeful to reach an agreement soon. Additionally, all new social workers in the case management division are required to work evening hours one day a week. Even assuming a youth is unable to contact a case manager after hours, they may contact a manager or supervisor. All youth committed to DYRS are given contact information for a manager or supervisor so they will always have a point of contact.

OIG Comment: At the time fieldwork ended, no case managers were required to be on duty after hours. The OIG asked DYRS for a copy of the proposal that it sent to the union for consideration, but DYRS did not provide it as part of its subsequent response.

⁵⁰ **DYRS's October 2013 Response, as Received:**

DYRS now has three compliance specialists who review files to assist managers in auditing youth files. Case management supervisors have access to regularly updated case management data, which allows them to track the progress of case managers so that they can discuss issues with youth monitoring as they arise.

⁵¹ **DYRS's October 2013 Response, as Received:**

DYRS case managers now have access to regularly updated case management data to keep track of their case load. DYRS is researching new technology that will give supervisors more access to real time aggregate data on youth.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

managers are not visiting youths at the required frequencies. Supervisors could then explore why case managers are not performing their jobs as expected and take steps to address the deficiencies, such as adjusting their workloads or implementing corrective action plans.

Effect:⁵² Case managers' lack of frequent contact with youths may mitigate the Model's rehabilitative efforts, as it reduces DYRS's ability to adequately engage a youth. Youths placed out-of-state in particular may feel abandoned or disengaged from their family, friends, and District community.

Case managers may also be less able to render appropriate clinical decisions about a youth's care and assess the suitability of and a youth's response to his/her current environment. The case manager may be unaware if the youth is struggling in his/her current environment or displeased with a placement, and fail to see warning signs that a youth is at risk of absconding.⁵³

By not adequately monitoring youths placed out-of-state, DYRS also lacks assurance that youths receive all DYRS-funded therapeutic services.⁵⁴ During FY 2011 and the first quarter of FY 2012, DYRS spent more than \$20 million to house youths in out-of-state placements. DYRS spends this money often without consistently observing that the facilities are providing the appropriate treatment, housing, and support services.⁵⁵

Accountability:⁵⁶ DYRS case managers are responsible for conducting visits with their assigned youths as prescribed by DYRS policy, and their supervisors are responsible for routinely and consistently monitoring their performance and taking prompt progressive disciplinary action as needed.

⁵² The "effect" is the impact of the condition being evaluated.

⁵³ **DYRS's October 2013 Response, as Received:**

DYRS is staffing its case management division with social workers with clinical backgrounds who are able to recognize challenges that young people may be experiencing in their placement.

OIG Comment: **The OIG acknowledges that case managers with clinical backgrounds will help DYRS recognize challenges that young people may be experiencing. If a case manager is not maintaining regular contact by visiting a youth at his placement, however, the case manager's background is largely irrelevant.**

⁵⁴ **DYRS's October 2013 Response, as Received:**

There appears to be confusion about the difference between a Residential Treatment Center and a community-based residential facility in this report. If a young person is placed at an RTC and leaves that placement, it is considered an escape. If a young person is at a community-based residential facility and leaves that placement, it is an abscondence. Escapes from RTCs are not relevant to this report.

OIG Comment: **See footnote 68 on page 29 of this report.**

⁵⁵ **DYRS's October 2013 Response, as Received:**

DYRS refutes the assertion that youth are not adequately monitored if they are placed out of state and they that are not receiving therapeutic services. DYRS receives regular reports from out of state community based facilities regarding the progress of young people. This information is relayed to the court and informs ongoing treatment decisions, as needed.

OIG Comment: **Regular reports from facilities should be the minimum amount of information received about youths. These reports are prepared by the facility and could contain incomplete or inaccurate information. The OIG asserts that for a more thorough accounting of a youth's situation at a facility, DYRS must visit the facility in person.**

⁵⁶ "Accountability" is a description of who is responsible for the condition being evaluated.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

DYRS management is responsible both for ensuring that supervisors are able to implement necessary internal controls, and for providing them with the necessary tools to ensure case managers' productivity and compliance.

Recommendations:

That the D/DYRS:

- (1) ensure that DYRS case managers conduct monitoring visits at the frequency required by DYRS policy and that DYRS supervisors take corrective actions or progressive disciplinary actions when needed;

Agree _____ **X** _____ Disagree _____

- (2) ensure that sufficient travel funds exist for case managers to meet with youths as prescribed, particularly with those youths residing out-of-state, and that DYRS assess the feasibility of using technology, like video conferencing, for periodic contacts;⁵⁷

Agree _____ Disagree _____

- (3) develop management performance reports that will allow supervisors to quickly and accurately determine whether case managers are visiting youths at required frequencies; and⁵⁸

Agree _____ Disagree _____

⁵⁷ DYRS's October 2013 Response, as Received:

DYRS issued RFPs requiring video conference capability in FY13. All future Human Care Agreements will require video conferencing capability.

OIG Comment: **In its response, DYRS indicated it had "completed" this recommendation. When the OIG confirms DYRS's use of videoconferencing and its FYs 2014 and 2015 budget allocations for out-of-state travel, the OIG will consider this recommendation "closed."**

⁵⁸ DYRS's October 2013 Response, as Received:

DYRS has been using these reports since August 2012.

OIG Comment: **In its response, DYRS indicated it had "completed" this recommendation. The OIG requested that DYRS provide it with an example of the management performance reports. DYRS replied, "Currently DYRS does not store these reports. Instead, managers review real time data which allows them to address concerns in a timelier manner." This recommendation will remain "open" until DYRS furnishes additional documentation indicating it has implemented the recommendation.**

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

- (4) assess the feasibility of altering case managers' tours of duty so that contacts can occur on weekends and evening hours when youths may be more available.⁵⁹

Agree _____

Disagree _____

2. **DYRS had not consistently identified or analyzed the reasons why specific youths absconded.**

Criteria: In its list of "Guiding Principles," DYRS states its belief that "decisions should be informed by valid and reliable data."

The National Center for Missing and Exploited Children recommends that whoever retrieves a child who has run away thoroughly interviews the child and documents the results of these interviews.⁶⁰ The interviewer should determine why the child left, where he/she went and stayed, and whether it is safe for the child to return.

MPD's *Criminal Investigations Manual* for its Youth Investigations Division states: "Running away from home is, for many children, a symptom of more serious family problems." The Manual requires investigators to interview runaways to determine the reasons that they ran.⁶¹

Condition: During the early stages of fieldwork, the OIG team learned that DYRS was not formally and systematically collecting information from absconders after they returned to DYRS custody. Although DYRS was, on occasion, informally gathering information related to why a youth had absconded, no formal process existed to ensure such reasons were identified, documented, and analyzed. Furthermore, DYRS was not sharing this information with facilities where youths were placed.

In September 2012, a DYRS senior manager gave the OIG team a document entitled "Abscondence Recovery Questionnaire," which DYRS seemingly now requires its Abscondence Unit to administer. The questionnaire is designed to gather details about an abscondence, such as when it took place, from where the youth absconded, who helped locate/return the youth, where the youth was found, why the youth absconded, and the conditions at the placement from

⁵⁹ **DYRS's October 2013 Response, as Received:**

DYRS has already done this – waiting for a response from the union.

OIG Comment: **In its response, DYRS indicated it had "completed" this recommendation. The OIG requested a copy of the proposal that was sent to the union for consideration. DYRS did not provide one, but noted: "The proposal was most recently discussed with the union during a meeting held last month. DYRS is currently awaiting a response from AFGE." When the OIG receives either the written proposal or the Union's response to DYRS's proposal, it will consider this recommendation closed.**

⁶⁰ NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, *MISSING AND EXPLOITED CHILDREN: A LAW-ENFORCEMENT GUIDE TO CASE INVESTIGATION AND PROGRAM MANAGEMENT* 120 (2006).

⁶¹ METROPOLITAN POLICE DEPARTMENT, *CRIMINAL INVESTIGATIONS MANUAL* 312 (JAN. 2002).

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

which the youth absconded. It also asks whether the facility could have done anything to prevent the abscondence.

Although the OIG team found the creation of this questionnaire to be a necessary and useful step, the team also found the questionnaire to be somewhat cursory and lacking some significant, relevant questions.⁶² For example, the questionnaire did not ask whether a youth had previously absconded; how long the youth had been placed in the facility prior to the abscondence; how long the youth had been committed to DYRS; or whether the youth had absconded for the same reason(s) multiple times. DYRS also did not provide a policy outlining how the questionnaire was to be administered; who is to complete the questionnaire; who gathers and analyzes the data; and specifics for communicating findings and conclusions to facilities that serve DYRS youths.

Cause: DYRS did not, until recently, have a formal questionnaire that it required DYRS case managers or the abscondence unit to complete after a youth had returned from abscondence. DYRS also has not formally instructed case managers, its placement department, its quality assurance department, or its abscondence unit to gather, analyze, and/or share the data with facilities.⁶³ Because the draft questionnaire was new, DYRS had not tested it and modified the process to fit its needs.

Effect: As a result of DYRS's failure to systematically share data with its facility operators about individual youths, DYRS has not given facility operators the most accurate information about what may cause a youth to abscond. Multiple facility operators reported to the OIG team that knowing the reason(s) why a youth absconds would allow them to, among other actions, tailor programing in the future to better suit youths' needs and adopt policies that are suited to addressing youths' concerns.⁶⁴

⁶² **DYRS's October 2013 Response, as Received:**

DYRS surveyed young people who had absconded with both a paper questionnaire and focus groups. Regardless of the content of the surveys, the surveys proved to be difficult to administer in the moments after a young person is found and returned to placement. Instead, DYRS convened a series of focus groups of young people who had recently absconded. The focus groups yielded valuable information about the reasons why young people absconded.

OIG Comment: The OIG acknowledges the utility of the focus groups that DYRS conducted. The intent of the questionnaire, however, is to document information pertaining to a specific individual, rather than group discussion. Such information may help a facility to identify and mitigate certain triggers that led a youth to abscond in the past. This information need not be compiled immediately following an abscondence. Rather, a discussion with the youth several days after an abscondence would still yield valuable information for operators of facilities where the youth may be placed in the future.

⁶³ **DYRS's October 2013 Response, as Received:**

DYRS holds monthly meetings with community-based residential facilities to discuss these issues. In addition, DYRS staff has developed a quality assurance auditing tool. DYRS is also currently developing a set of quality indicators that will be collected and reviewed quarterly beginning in January 2014. Quality indicators do not include individual youth data.

⁶⁴ **DYRS's October 2013 Response, as Received:**

In monthly meetings with CBRFs, DYRS shared the results of the focus groups with the CBRF operators. In addition, DYRS determined that most young people abscond within the first 14 days of placement and, as a result, instituted a 14-day plan which includes planning for transition and a Youth Family Team Meeting within the first

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

Accountability: DYRS's Abscondence Unit and/or case managers would be responsible for gathering the data. DYRS's Office of Research and Quality Assurance should be responsible for analyzing data, identifying trends, and disseminating any useful information related to the data. The DYRS case manager should be responsible for ensuring that information related to an individual's abscondence history is disseminated to facilities in the referral packets sent.

Recommendations:

That the D/DYRS:

- (1) review and modify the Abscondence Recovery Questionnaire to include questions related to whether a youth has previously absconded, how many times the youth has absconded, and whether the youth absconded for the same reason(s) multiple times;

Agree _____ Disagree X

- (2) ensure that the Abscondence Recovery Questionnaire is routinely completed, the information gathered is analyzed, and the results are shared with relevant parties within DYRS and placement facilities; and

Agree _____ Disagree X

- (3) implement a policy guiding the distribution of the Abscondence Recovery Questionnaire, the analysis of the data, and the dissemination of the data to placement facilities.

Agree _____ Disagree X

3. The number of residential facilities in the District that are able to address DYRS youths' therapeutic needs is inadequate. The lack of local placement opportunities may increase the likelihood of abscondence by DYRS youths placed far from home.

Criteria: DYRS's mission involves placing youths in "the least restrictive, most homelike environment consistent with public safety."⁶⁵ The agency's Guiding Principles state

week.

OIG Comment: **The OIG (1) applauds DYRS's efforts to provide facilities with general trends regarding abscondence gleaned from focus groups, and (2) reiterates the need for DYRS to provide facilities with individual-specific abscondence information so that facilities can be best equipped to understand each individual's needs.**

⁶⁵ [Http://dyrs.dc.gov/page/mission-and-vision](http://dyrs.dc.gov/page/mission-and-vision) (last visited Aug. 9, 2013).

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

that DYRS should provide a “robust continuum of care that is flexible, strengths-based, family-focused, and results in youths being safely served” in this environment.⁶⁶

The District of Columbia Blue Ribbon Commission on Youth Safety and Juvenile Justice Reform established in 2000 recommended that DYRS “continue with the development of community-based residential treatment facilities in the District of Columbia for . . . committed youth needing such services; and, develop and implement a work plan for returning youth from out-of-District placements so that they may come back to their home and families.”⁶⁷

One of the Missouri Model’s six core principles is to place youths in smaller facilities located near the youths’ homes and families, rather than incarcerating them in large, distant facilities. Missouri’s smaller facilities, which are dispersed throughout the state, have allowed it to avoid sending delinquent youths to facilities far away from their homes and communities.

Condition: Insufficient Number of Secure Beds:⁶⁸ As of May 2012, DYRS had the capacity to house 60 youths at its New Beginnings facility in Laurel, Maryland. DYRS also houses committed youths in its 88-bed YSC (which is intended primarily to house detained youths) and can house 30 committed youths in Awaiting Placement facilities.⁶⁹ DYRS did not have a secure facility in the District for female offenders other than one Awaiting Placement facility housing a maximum of six youths. Other than those youths who are confined in adult jails by order of the judge, all other youths housed in the District are housed in unsecured facilities.

Multiple DYRS employees and facility operators opined that DYRS needs more secure beds in the District because New Beginnings does not have enough capacity.⁷⁰ Employees and

⁶⁶ D.C. Dep’t. of Youth Rehab. Services, *Annual Performance Report Fiscal Year 2011*, Mar. 2012, at 15.

⁶⁷ BLUE RIBBON COMMISSION ON YOUTH SAFETY AND JUVENILE JUSTICE REFORM, RESEARCH REPORT 30 (2001).

⁶⁸ **DYRS’s October 2013 Response, as Received:**

There appears to be confusion about the difference between a Residential Treatment Center and a Community-based residential facility in this report. If a young person is placed at an RTC and leaves that placement, it is considered an escape (see pg. 13 of this report). If a young person is at a community-based residential facility and leaves that placement, it is an abscondence. Escapes from RTCs are not relevant to this report. Nonetheless, DYRS will provide accurate and up-to-date information regarding RTC placement

OIG Comment: **During fieldwork, the OIG asked DYRS for information on youths’ placements and the number of abscondences from each type of placement. DYRS provided the OIG with the number of youths who had absconded from each type of placement and included abscondences from RTCs in that information. In the same information request, the OIG requested the number of youths who had “escaped” from facilities. DYRS responded: “0”.**

⁶⁹ “Awaiting Placement” facilities are secure locations designed to alleviate any overcrowding at YSC or New Beginnings.

⁷⁰ **DYRS’s October 2013 Response, as Received:**

In 2006, the Annie E. Casey Foundation with juvenile justice experts from around the country provided a comprehensive assessment of the placement needs of DYRS. Casey concluded that DYRS did not need more than 60 beds. The full report can be found here:

<http://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/publication/attachments/Oak%20Hill%20Committed%20Youth%20Analysis%20Annie%20Casey%20Study.pdf>

In addition, DYRS’ is consistent with current research indicating that young people are most likely to succeed if they

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

facility operators both reported that youths have been initially placed in a CBRF or stepped-down from New Beginnings to a CBRF because of a lack of space in a secure facility, rather than because the youth was ready for a lesser level of security.⁷¹

Gaps in DYRS's Continuum of Care, Specifically Regarding a Lack of RTCs Located in the District: Several facilities, as well as DYRS managers, reported that DYRS has gaps in the continuum of care. Most notably, few RTCs are located within the District. RTCs are designed to be secure treatment facilities that provide specialized educational and behavioral modification programs in a structured, supervised environment.⁷²

Although DYRS has reportedly addressed this need on occasion by placing some youths in the Psychiatric Institute of Washington (PIW), PIW will not always accept DYRS youths. Consequently, the lack of available RTCs often leaves DYRS unable to meet the needs of youths with mental health or substance abuse issues without sending the youths outside the District.⁷³ Although interviewees acknowledged that DYRS tries to place youths in RTCs as close to the District as possible, it occasionally must place them farther away. Chart 8⁷⁴ on the next page illustrates how many youths DYRS had to send to RTCs outside the District in FY 2012, and approximately how far those facilities were from the District.⁷⁵

are placed in the least restrictive setting possible. See the recently released NRC publication, "Reforming Juvenile Justice." This conclusion ignores the findings of the Blue Ribbon Commission established by Mayor Anthony Williams in 2000, which was tasked with identifying best practices that could be implemented into D.C.'s juvenile justice system. This included the development of strategies for serving youth in their communities and neighborhoods. One of the concerns raised was an over-confinement of minority populations. The Commission noted that a cultural change was required to bring best practices in detention and commitment to the District. The recommendations included the development of residential treatment options in community and home-based settings for youth.

OIG Comment: The OIG would like to note that interviewees were not advocating a full scale transition back to universal secure confinement. Interviewees, however, repeatedly commented that youths do not always seem ready for the freedom that is associated with being housed in an unsecure environment. This view was also shared by a senior DYRS official.

⁷¹ **DYRS's October 2013 Response, as Received:**

DYRS makes placement decisions based upon the youth's treatment needs, not because there is a lack of secure beds.

⁷² For further explanation about RTCs, see DYRS 2011 Performance Report at p. 20.

⁷³ **DYRS's October 2013 Response, as Received:**

According to national research, only a quarter of court-involved young people need intensive behavioral health intervention at any time during their commitment. The majority of young people with mental health needs are best served in the community. In DC, those services are accessed through the Department of Behavioral Health.

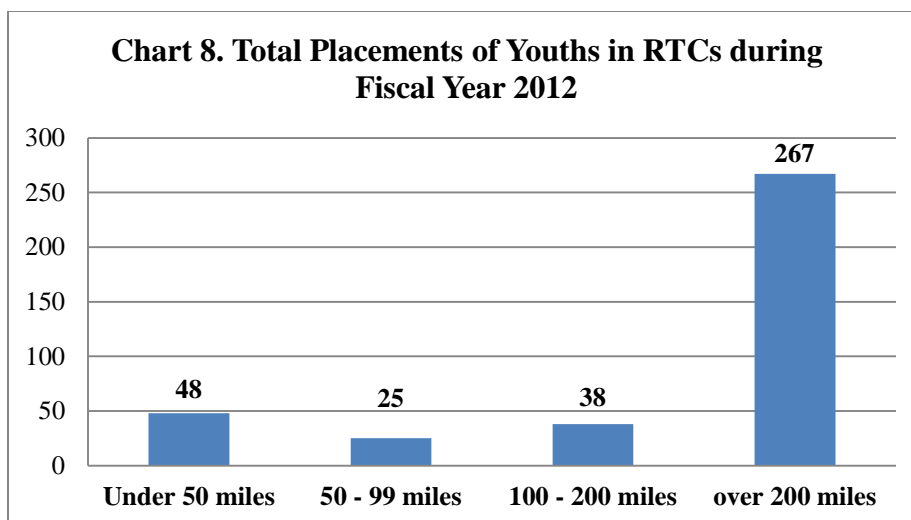
⁷⁴ **DYRS's October 2013 Response, as Received:**

As of October 3, 2013, there were 26 youth in CBRFs outside of DC. Of those, 11 were in a facility more than 50 miles away. The other 15 youth were in CBRFs within a 50 mile radius of DC.

OIG Comment: The reader should note the incongruity of DYRS's response. Chart 8 speaks to the total number of placements in RTCs in FY 2012. DYRS's comment refers to the number of youths in CBRFs (i.e., a less restrictive facility; see page 11 of this report) as of October 3, 2013.

⁷⁵ Some of these youths may have been placed in more than one RTC, so some redundancy in these numbers exists.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES



The OIG’s lack of access to DYRS youths’ records limited its assessment of DYRS’s continuum of care, but interviewees reported that DYRS lacks facilities to treat specific populations of youths. Specifically, these interviewees indicated that DYRS needs greater access to:

- facilities that can treat drug addictions;⁷⁶
- CBRFs with multiple security levels, which would allow a youth to be “rewarded” for progress and/or experience consequences for their actions, without having to be “stepped back,”⁷⁷ (i.e., placing the youth in a more secure facility) to a fully secure facility;⁷⁸
- independent living programs; and
- secure beds for youths between the ages of 18 and 21.

The OIG team noted that DYRS has made efforts to move more youths from RTCs outside the District to facilities in or near the District. Between June 2011 and June 2013, DYRS reduced the number of youths placed outside of the District from 390 youths to 214. Much of this reduction came from a decrease of youths housed in RTCs outside of the District.

⁷⁶ **DYRS’s October 2013 Response, as Received:**

In January 2013, DYRS administered the GAIN-I to youth placed in the community. Of these youth (approximately 200), only three required inpatient treatment.

http://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/release_content/attachments/FY14-NAS-budgettestimony-for4-15-13.pdf

⁷⁷ **DYRS’s October 2013 Response, as Received:**

DYRS currently has a Graduated Response Protocol developed in conjunction with the Center for Children’s Law and Policy. Other states, such as North Carolina, have adopted a Protocol similar to DYRS’. The Graduated Response Protocol rewards young people for wanted behavior and guides consequences for unwanted behavior. Changes in community placement, however, are ultimately decided through a Community Status Review Hearing.

⁷⁸ For an example of continuous levels of care within CBRFs, see South Carolina Department of Juvenile Justice “Custody, Placement, and Supervision Levels with Available Programs/Enhancements/Services” located in Appendix 2.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

Cause: Interviewees reported that the District’s geographic limitations make securing the space needed to build an RTC financially unrealistic. DYRS has attempted to move youths closer to the District and issued requests for proposals for additional group home services, awaiting placement units, and RTCs within 150 miles of the District. As of October 2013, senior officials reported that although DYRS has received responses, none of the applicants met the various requirements outlined by District law. Likewise, a facility operator inside the District stated that DYRS asked it to operate an RTC in the District, but the vendor found the District’s regulatory requirements too onerous.

Effect: The lack of secure facilities and RTCs relates to preventing abscondences in two ways. First, placing youths in a facility with a lower level of security than is appropriate may lead to a youth absconding from the facility, as the youth has not demonstrated readiness for that level of responsibility.⁷⁹ Second, placing youths in distant RTCs may reduce the therapeutic impact of DYRS’s rehabilitative process, which may make a youth more likely to abscond.⁸⁰

MPD officers told the team that they have observed instances in which DYRS placed youths in the community, but the youths were not “ready” for these placements. Multiple facility operators also opined that DYRS occasionally places youths based on where beds are available due to lack of space in secure facilities,⁸¹ and stated that DYRS pressures facilities to accept youths, even when the facility does not believe it can serve the youth effectively. Although DYRS has corrected these placements when alerted to them, they still occur. Youths exercising self-control and choosing to stay in a facility is a central tenet of the DYRS model. As such, youths must be ready for the level of freedom that a community-based, unsecured facility affords.

In addition, the lack of secure facilities prevents DYRS from “stepping back” a youth who absconded, even for a brief period of time, as a penalty or deterrent.⁸² DYRS lacks many deterrents to keep youths from absconding. Requiring youths to spend time in facilities with

⁷⁹ **DYRS’s October 2013 Response, as Received:**

Please provide empirical evidence that verifies this statement.

⁸⁰ **DYRS’s October 2013 Response, as Received:**

Please provide empirical evidence that verifies this statement.

⁸¹ **DYRS’s October 2013 Response, as Received:**

This is inaccurate. If a youth requires a secure placement, DYRS will find one. The agency does not place a youth in a less secure placement because it does not have a choice. In fact, the agency has overridden an SDM score when it believed that a secure placement was more suitable.

OIG Comment: **The OIG stands by this information, which was gleaned from interviews with multiple facility operators and other interviewees.**

⁸² **DYRS’s October 2013 Response, as Received:**

“Stepping back” a young person is part of a system of accountability. DYRS uses a variety of responses to unwanted behavior, not just placement in secure facilities.

OIG Comment: **Interviewees did not suggest that “stepping back” a youth should be a requirement. Rather, they suggested that “stepping back” a youth should be an option. Given the current space available in secure placements, the interviewees felt that it was not an option at this time.**

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

higher levels of security may be one option and deter some youths from absconding again or violating their CPAs.⁸³

The lack of RTCs in the District impacts DYRS's ability to fully meet many youths' needs while they remain close to home. As a result, DYRS has had to place many youths in facilities located at significant distances outside the District.⁸⁴ The distance makes it difficult for case managers to visit youth or to engage families in the rehabilitative process. Frequent contact and family engagement are two of the central tenets of the Missouri Model.⁸⁵ Placement in distant facilities may also increase the likelihood that youths feel homesick and abscond to return to family and friends. A DYRS senior official confirmed the OIG team's concern by stating that he/she knows of families of youths placed outside the District that have even helped youths abscond from facilities by paying for travel arrangements to bring the youths back home.

Recommendations:

That the D/DYRS:

- (1) assess whether it needs additional beds in secure facilities for females;⁸⁶ and

Agree _____ Disagree X

- (2) analyze and issue a public report on the feasibility of building and operating an RTC in the District that could adequately address more DYRS youths' mental health and substance abuse needs, thereby reducing the District's reliance on distant RTCs.

Agree _____ Disagree X⁸⁷

⁸³ DYRS's October 2013 Response, as Received:

Please add empirical evidence that requiring youth to stay in more secure facilities is a deterrent to abscondence.

⁸⁴ DYRS senior managers also reported that youths have been placed outside the District because of specialized needs of the youth; because the youth's case manager thought removing him/her from the District would benefit his/her rehabilitation; for safety reasons; because the case manager felt the youth might abscond if he/she were placed within the District; or because facilities in the District would not accept the youth for some reason.

⁸⁵ DYRS's October 2013 Response, as Received:

Both DYRS and Missouri draw on research concerning family engagement. Please refer to research about the importance of family engagement here. Examples can be found in this publication:

<http://www.campaignforyouthjustice.org/navigate-the-system/family-comes-first.html>

⁸⁶ DYRS's October 2013 Response, as Received:

DYRS has already done this analysis. The number of female youth in secure placement as of September 18, 2013 was 18. In addition, DYRS has contracts with residential placements who can meet the special needs of young women committed to DYRS.

OIG Comment: **Based on DYRS's response, the OIG considers this recommendation closed.**

⁸⁷ DYRS's October 2013 Response, as Received:

This contradicts recommendations in the Blue Ribbon Commission Report and research (See No Place for Kids). Nationwide, jurisdictions are closing down their secure facilities. See New York, for example. The Omnibus Juvenile Justice Act of 2004, which established DYRS, mandates that DYRS become a national model for juvenile justice. Building an RTC when others jurisdictions are closing facilities will not make D.C. a model jurisdiction; rather, the District will be reversing its progress and put it behind other jurisdictions.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

4. DYRS's use of possibly outdated risk assessments to make placement decisions after a youth's initial placement is deficient and may lead to abscondences.

Criteria: DYRS case managers should administer a Structured Decision-Making (SDM) risk assessment both after a youth is committed and when a youth picks up a new arrest. The risk assessment is a component of the Individual Development Plan (IDP) process,⁸⁸ provides an “[e]vidence-based process that uses scientifically validated assessments to classify and recommend the appropriate level of restrictiveness,” and brings “rationality, transparency, and uniformity to the DYRS case planning and placement process.”⁸⁹

According to a 2012 study by the Casey Foundation,⁹⁰ “DYRS should develop a reassessment tool to aid in subsequent placement decisions that occur after a youth’s initial placement” and “DYRS would benefit from a clear process and reassessment instrument to determine specific placements for youth who are being stepped up or down or whose community status is being revoked.”⁹¹ The Casey Foundation recommended that DYRS implement a risk re-assessment tool, and that the tool be coupled with a system for responding to new offenses, placement failures, and other behavioral issues.⁹²

Condition: The Case Manager Manual instructs case managers to use information from the risk assessment along with other diagnostic information, such as psychological evaluations when developing IDPs. It also instructs case managers to update the IDP each time a youth is placed in a facility with a different security level. DYRS policies do not dictate whether the risk assessments⁹³ and other evaluations used for the IDP must be updated each time the IDP is updated. Consequently, DYRS does not currently require a re-assessment of risk before a youth is stepped up or down to a facility with a different level of security. Therefore, many youths’

⁸⁸ The IDP is also known as an Individual Service Plan (ISP). When developing IDPs, case managers are to use information from the risk assessment.

⁸⁹ This information is contained in a PowerPoint presentation that DYRS provided to the OIG team.

⁹⁰ The Annie E. Casey Foundation is a private charitable organization whose primary mission is “to foster public policies, human-service reforms, and community supports that more effectively meet the needs of today’s vulnerable children and families.” ANNIE E. CASEY FOUNDATION, A ROAD MAP FOR JUVENILE JUSTICE REFORM (2008). For more information on the Casey Foundation, go to <http://www.aecf.org>.

⁹¹ NATIONAL COUNCIL ON CRIME AND DELINQUENCY AND ANNIE E. CASEY FOUNDATION, DYRS RISK ASSESSMENT AND STRUCTURED DECISION-MAKING VALIDATION STUDY & SYSTEM ASSESSMENT SUMMARY REPORT 2 (Mar. 2012). The study found that, on average, committed youths spend 2 ½ years under agency custody and supervision. Consequently, DYRS typically makes multiple placement decisions in the months and years after commitment.

⁹² *Id.* at 6. Additionally, the Casey Foundation found that DYRS staff lacked clarity regarding how and when an SDM risk assessment should be used, how the SDM risk assessment fits into the whole placement decision-making process, and whether the current SDM risk assessment can or should be used for re-assessment; and that DYRS lacked clear definitions and procedures regarding the SDM risk assessment.

⁹³ **DYRS's October 2013 Response, as Received:**

The current risk assessment, the SDM, should not be re-administered unless a young person is re-committed. The SDM is only valid at commitment and re-commitment.

OIG Comment: **The OIG acknowledges that the SDM is designed only to be valid at the time of commitment or recommitment. The OIG views this limitation as precisely the problem. Hence, the OIG recommended the development of another objective measure of a youth's risk that could be used throughout the youth's commitment.**

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

SDM risk assessments are “literally years old at the time of an abscondence.”⁹⁴ In addition, DYRS’s risk assessments do not take into account how youths have performed under DYRS’s care.

SDM risk assessments have been used by case managers to re-assess youths, but a DYRS senior manager indicated that the measurements and weights embedded in the SDM risk assessment make the resulting risk evaluation valid only at the time of initial placement. DYRS case managers and supervisors reported to the Casey Foundation that they need diagnostic tools and procedures to help them reassess a youth after his/her time spent in a certain level of security.⁹⁵

DYRS’s current risk assessment administered upon a youth’s initial placement is not designed to determine the best placement for a youth. The SDM test does not evaluate whether a level of security is appropriate for the youth. Although it uses a range of factors to determine a youth’s overall risk score, the assessment is only reflective of the likelihood of a youth reoffending at the time of commitment, but does not weigh other factors like a youth’s mental health status or drug dependency.⁹⁶

DYRS is in the process of modifying its SDM tool to develop a re-assessment. DYRS has not indicated, however, when that re-assessment will be ready for use. DYRS is currently trying to determine how this new assessment would be administered.

Cause: DYRS’s risk assessment has not been designed to re-evaluate a youth’s risk level after the youth’s initial commitment. A DYRS senior manager told the OIG team that he/she foresees the development of a re-assessment tool that will help inform placement decisions subsequent to a youth’s initial placement as a long-term project, as no validated risk re-assessment currently exists for DYRS to use as a prototype.

DYRS also lacks an all-encompassing diagnostic that both evaluates youths beyond the risk of re-offending and helps objectify placements and changes in placement levels. One senior manager indicated that DYRS does not use any holistic diagnostic beyond the SDM risk assessment to connect youths to the proper services, and that the emphasis on placing a youth quickly often prevents the placement department from adequately assessing what is in the best interest of each youth.

⁹⁴ Memorandum from DYRS senior manager to OIG team (Aug. 2, 2012) (copy on file with the OIG).

⁹⁵ **DYRS’s October 2013 Response, as Received:**

Please reorganize these paragraphs to make it clear that the SDM is valid only at the time of commitment or at re-commitment. Therefore, risk assessment results are often “literally years old.” DYRS plans to implement a functional assessment, called the CAFAS, which will inform service and placement decisions. In addition, Youth Family Team Meetings uncover strengths and needs of the young person and provide the basis for service decisions. OIG Comment: **The OIG applauds DYRS for its plans to implement the CAFAS. Please notify the OIG when the CAFAS has been implemented.**

⁹⁶ **DYRS’s October 2013 Response, as Received:**

Working closely with the Department of Behavioral Health and Child and Family Services Administration, DYRS plans to implement a functional assessment in early 2014 that will inform service decisions, which can include placements. See previous comment.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

Effect: Without a validated risk re-assessment tool, decisions as to whether a youth is ready to be stepped down to a lower level of security rely solely on the outcomes of family team meetings and case managers' clinical judgments, and are not based on a universally applied diagnostic tool. Relying solely on subjective judgments may increase the risk that a youth is moved to a facility with a lower level of security before he/she is ready.⁹⁷

Neglecting to re-assess a youth other than when he/she re-offends fails to consider the effect of abscondences, a youth's response to programming and services, or other external factors that may alter a youth's propensity for re-offending.

A DYRS senior official acknowledged that DYRS needs to take a more comprehensive look at youths before placing them. The lack of an all-encompassing diagnostic prevents DYRS from objectively evaluating which facilities may be most appropriate for the youth at the time of the placement.

Accountability: DYRS's Committed Services Department is responsible for ensuring its case managers and placement unit have structured diagnostic tools to properly evaluate youths' risk levels and make appropriate placement decisions.

Recommendations:

That the D/DYRS:

- (1) develop an SDM risk re-assessment that takes into account a youth's progress in DYRS's program and implement procedures for its use; and

Agree _____ Disagree X

- (2) explore whether an assessment exists that takes into account factors beyond a youth's likelihood of re-offending.

Agree X Disagree _____

Other Issues Related to Monitoring and Preventing Abscondence

In addition to these specific findings related to preventing abscondences, the OIG team made additional observations and received feedback from vendors who house DYRS youths both

⁹⁷ **DYRS's October 2013 Response, as Received:**

Youth Family Team Meetings, which bring together young people, their families, natural supports, service providers, and social workers are a best practice in social service delivery and meant to be a primary driving force behind treatment decisions. Moreover, Youth Family Team Meetings engage families and empower youth, both of which encourage engagement in services, which is critical to preventing abscondence. See research by YFTM expert, Marty Beyer: <http://www.martybeyer.com/page/46/>

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

inside and outside the District. Due to the OIG's lack of access to case files and because of the anecdotal nature of the information provided by individual stakeholders, the OIG does not believe the following issues rise to the level of findings. However, addressing the issues and considering the following comments, suggestions, evaluations, and recommendations may substantially improve DYRS's ability to monitor youths and prevent abscondences.

- **No Consequences for Absconding:**⁹⁸ Interviewees reported that DYRS repeatedly gives absconders multiple chances and returns them immediately to unsecure CBRFs. A facility operator claimed that one youth has been returned to his/her facility 10 times after abscondences. DYRS facility operators opined that youths know DYRS will not impose any consequences for abscondences; therefore, youths are not deterred.⁹⁹ Furthermore, DYRS reportedly pressures facilities to accept youths back after abscondences. Though technically the facilities have a choice whether to re-accept a youth, some reported that DYRS tends to punish facilities that do not accept every youth by denying them future placements.
- **Stepping-Up Absconders:** Interviewees suggested that DYRS consider stepping youths up to more secure facilities after they abscond, at least until DYRS re-evaluates them.¹⁰⁰ One interviewee suggested that DYRS establish a maximum number of times that a youth may abscond and return before stepping the youth up becomes a mandatory sanction. Interviewees also suggested that DYRS send absconders back to awaiting placement facilities, thus giving the absconder's spot in a group home to a youth who has not absconded. Youths placed in the awaiting placement facility would have to work their way down, back to group homes.

⁹⁸ **DYRS's October 2013 Response, as Received:**

Graduated Response Protocol. Youth are rewarded and receive consequences when appropriate, including placing a young person in a more secure placement.

OIG Comment: As described, this section of the report is intended to inform DYRS of some of the concerns its stakeholders and vendors expressed to the OIG. The evidence that the OIG was able to obtain did not constitute a "finding." The OIG believes the stakeholder feedback may be a valuable source of information for DYRS. The OIG encourages DYRS to review this information with an open mind to identify areas where the agency can either improve its practices or improve its communication to its vendors and stakeholders.

⁹⁹ The OIG team found concrete examples of consequences imposed by other states' juvenile justice systems. For example, Louisiana's Youth Services Agency specifically states that for violations of furlough (Louisiana's equivalent to a home visit), youths who go AWOL (Louisiana's equivalent to absconding) may be sanctioned with a disciplinary infraction for escape, may receive 12 months in a secure facility prior to any further furlough considerations, or may be charged criminally for escape or other related charges. Utah policy states that youths cannot be recommended for termination from Juvenile Justice Service Division supervision for at least 180 days following the date they absconded.

¹⁰⁰ **DYRS's October 2013 Response, as Received:**

There is no mention of the Community Status Review Process in this report. Also, "stepping up" or "stepping back" cannot be automatic – every youth's circumstances have to be evaluated on an individual basis and youth are entitled to due process. Please see D.C, Municipal Regulations Title 29, Chapter 12. Youth abscond for a variety of reasons and a one-size-fits-all response will not work.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

Interviewees stated that DYRS needs to promote the idea that being housed in a CBRF is a privilege and not a right.¹⁰¹

- **Engaging Detained Youths Prior to Commitment:** Interviewees suggested that DYRS and other facilities engage youths during the youth's detention phase to prepare him for his new placement. Engagement would allow facilities to build relationships between the youth and staff members and begin clinical work in a unified fashion. In addition, DYRS could develop a universal treatment plan before a youth enters the community.¹⁰²
- **Incomplete Information Packets:** Interviewees stated that DYRS has not been providing facilities with updated, complete, and accurate information upon the placement of a youth, specifically educational information,¹⁰³ the youth's drug or medication history, the youth's recent performance, and information explaining the reasons that the youth previously absconded.¹⁰⁴ Facility operators reported that a youth's information packet, distributed upon placement, often does not include vital items, like birth certificates, social security cards, school records (which seem to be especially deficient), and the reason that DYRS transferred the youth to that facility. Interviewees reported that when they request this information, DYRS often ignores their requests or responds with incomplete answers.¹⁰⁵
- **Inadequate Personal Supplies:** Interviewees reported that youths occasionally arrive at their facilities with inadequate personal supplies, like extra clothes. As a result, the facility must buy supplies for the youth or risk him/her being unhappy in the placement.

¹⁰¹ **DYRS's October 2013 Response, as Received:**

DYRS refutes the idea that a CBRF placement is a privilege. DYRS's mission, consistent with its establishment Act, is to place young people in the least secure environment consistent with public safety. Consistent with research on the matter, young people are most likely to be successful if they are placed in the community with supports and services.

¹⁰² **DYRS's October 2013 Response, as Received:**

In the coming months, DYRS plans to develop and implement a single treatment plan that will be available to relevant staff and providers.

OIG Comment: The OIG applauds DYRS's efforts in this regard. Please inform the OIG when these single treatment plans are implemented.

¹⁰³ **DYRS's October 2013 Response, as Received:**

Federal laws, such as FERPA prevent DYRS from transferring all education information to CBRFs.

OIG Comment: Interviewees outside of the District were most vocal regarding this suggestion. To clarify, these interviewees were referencing educational information sufficient to enroll a youth in a new school. They were not asking to observe anything personally, but rather were concerned that delays in receiving information meant that youths had to wait to enroll in school for varying periods of time. A youth cannot attend a school until it receives all requisite information.

¹⁰⁴ One facility reported that DYRS does not explicitly tell facilities of previous abscondences, but the YES! notes make that information obvious and easily attainable.

¹⁰⁵ In one case, a facility operator reported that DYRS ignored his/her requests for information, but still delivered a youth to the facility's doorstep before the facility operator was able to screen the documents or prepare for the youth's arrival.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

- **Unclear Discharge Dates:** Interviewees suggested that DYRS inform youths and/or the facilities of an expected discharge date for youths. They opined that this information might prevent youths from becoming restless and absconding by assuring them of an expected end date to their commitment.¹⁰⁶
- **Sharing Information With Facility Managers:** Interviewees suggested that case managers inform facilities of the gist of their conversations with youths. Occasionally, conversations with case managers upset youths, and knowing whether a youth may be emotionally upset by a conversation could help facility operators to prevent abscondences by heightening facilities' observations of those youths.
- **Communication With Facilities Outside the District:** Interviewees reported that DYRS needs to improve at least some aspects of its communication with facilities located outside the District. Interviewees reported feeling that DYRS is quick to respond only when it serves DYRS's best interests, not when the facilities need them to be responsive. They also reported difficulties contacting case managers at times.¹⁰⁷ An interviewee recommended that DYRS designate an employee as the "contact" for each type of facility, stating that communicating through one person would make it much easier for remote facility operators.

In addition to these concerns related to abscondences and/or youth placement, the OIG team found marked differences in the ways that CBRFs monitor youths, specifically during transport and home visits. Although DYRS policies and the D.C. Code give wide discretion to CBRFs, the team felt it important to articulate some of the significant differences in these monitoring procedures so that DYRS may determine whether further guidance or minimum standards should be provided to its CBRFs in how they monitor youths placed in the community.

As it relates to monitoring youths in transit between a facility and school, work, or appointments, the OIG team found that levels of monitoring range between exclusively transporting youths and permitting travel without escort.¹⁰⁸ CBRFs outside the District varied even more significantly depending on the facility's local rules. These facilities ranged from transporting youths everywhere to granting a youth time in the community that was not directly supervised at all, if the youth earned such a privilege.

¹⁰⁶ **DYRS's October 2013 Response, as Received:**

Placement decisions are made based on a youth's current status and treatment. Youth progress at different rates and have different needs so an exact discharge date is never planned or advisable. However, CBRFs will be required to have stronger programming that will allow a youth to monitor his/her own progress and better predict when they will be ready for their new placement. A good example of this is the Model Unit program at NB. Youth can predict when they will be leaving the facility and also have greater privileges as they move up in level.

¹⁰⁷ **DYRS's October 2013 Response, as Received:**

DYRS has hired social workers with clinical backgrounds who have special training and experience in addressing the needs of court-involved youth. See earlier comment about accessibility of case managers and supervisors.

¹⁰⁸ Many facilities allowed youths to travel unescorted, but required youths to earn that privilege.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

With regard to monitoring youths while on home visits, facilities also vary significantly in how frequently they expect to contact youths via the telephone. Some facilities do not contact these youths at all while on home visits, whereas others stated they call youths multiple times per day. Out-of-state facilities also differ with regard to their monitoring procedures on home visits. Most of the out-of-state facilities that grant home visits reported that they generally do not monitor youths at all while they are on these visits, having little contact with them during this time. Interviewees informed the team that DYRS has not provided any written guidance regarding how they are supposed to monitor youths while on home visits.¹⁰⁹ The team is concerned regarding the lack of monitoring on home visits, as the out-of-state facility operators reported that abscondences during home visits are a significant problem.

The OIG team also identified three major areas unrelated to abscondence that it believes DYRS must address.

First, as of December 31, 2011, 166 (49%) of 341 committed youths were placed with 40 facilities¹¹⁰ that were operating under “direct pay” arrangements with DYRS. Under these arrangements, facilities receive money for each DYRS youth directly from DYRS, and no formal contract¹¹¹ between the two parties exists. These facilities are guided by local licensing certification regulations¹¹² and the youth’s acceptance letter into the program. According to the National State Auditors Association, contracting for services must include written documents that should, *inter alia*, “identify the responsibilities of the parties to the contract” including the scope of work, performance standards, and penalties for non-performance.¹¹³ The OIG team is concerned that absent detailed, written contracts, these facilities will not be aware of DYRS expectations for monitoring and care.¹¹⁴

¹⁰⁹ **DYRS’s October 2013 Response, as Received:**

CBRFs should have their own standards for monitoring home visits if they allow home visits. In any event, case managers and supervisors regularly contact young people. Young people are often given more freedom from constant monitoring if they have displayed great progress. In addition, the Human Care Agreement and Chapter 62 of the DC Municipal Regulations and DC Register outline specific agreements related to the treatment of young people.

OIG Comment: The OIG disagrees with DYRS’s response. The OIG believes that DYRS must take a more active role in monitoring and guiding its vendors to ensure that, at the very least, each meets a minimum standard of monitoring while allowing youths to be in the community.

¹¹⁰ The types of facilities included in this analysis are residential treatment facilities, group homes, therapeutic family homes, independent living programs, extended family homes, and awaiting placements.

¹¹¹ DYRS refers to these arrangements as Human Care Agreements (HCAs). HCAs are written documents explaining the terms and conditions of any purchases pursuant to the relationship and identifying the services being rendered during the term of the agreement.

¹¹² For facilities located in the District, these regulations are under the umbrella of 29 DCMR, Chapter 62.

¹¹³ NATIONAL STATE AUDITORS ASSOCIATION, CONTRACTING FOR SERVICES 3 (2003).

¹¹⁴ **DYRS’s October 2013 Response, as Received:**

New Human Care Agreements for FY14 have additional programming expectations and performance measures to adhere to during the duration of their service to DYRS youth.

OIG Comment: The OIG applauds DYRS’s efforts in this regard. Please provide OIG with an example of one of these FY 2014 Human Care Agreements.

MONITORING YOUTHS AND PREVENTING ABSCONDENCES

Second, DYRS's Licensing and Contract Management division mostly limits its monthly monitoring to safety and licensing-related requirements, such as whether a facility has smoke detectors, fire extinguishers, and lighted exit signs. The OIG team believes that DYRS does not adequately assess the quality of programs and services offered by the vendors through these monthly visits.¹¹⁵

Third, during the team's physical observations of all 21 facilities in the District that, at the time of the visits, housed DYRS committed youths, the team saw stark differences between the environment and amenities offered in each facility. Although many facilities appeared new and contained clean, comfortable furniture, several were slightly run-down in appearance and contained dilapidated furniture. The computer rooms ranged from welcoming environments with several working, updated computers to rooms with few, outdated computers.¹¹⁶

¹¹⁵ **DYRS's October 2013 Response, as Received:**

In the spring of 2013, DYRS expanded the CBRF auditing team to regularly visit the placements, monitor quality, and offer technical assistance to ensure they are delivering quality services.

¹¹⁶ **DYRS's October 2013 Response, as Received:**

Current CBRFs were required to update their computer facilities. As of October 2013, the DYRS auditing team reports that all CBRFs have updated their computer areas to include computers with updated functionality.

**FINDINGS AND RECOMMENDATIONS –
REPORTING AND RESPONDING
TO ABSCONDENCES**

REPORTING AND RESPONDING TO ABSCONDENCES

Overview, General Assessment

When a youth absconds from a CBRF, DYRS's Abscondence Unit works with MPD, the courts, Court Social Services (CSS) and the facility to locate and return the absconder. According to DYRS, the Abscondence Unit "makes weekly home visits, conducts neighborhood sweeps, and works with families and case managers to gather information on a youth's whereabouts."¹¹⁷

The Abscondence Unit's ability to locate absconders is aided when abscondences are reported timely. To report an abscondence, DYRS now instructs CBRFs located inside the District to report through the Office of Unified Communications' (OUC) online 311 system.¹¹⁸ This system automatically notifies MPD of the abscondence. A CBRF staff member or the DYRS case manager (if the youth is placed at home) must then notify the youth's parents/guardians and complete an unusual incident report. DYRS or the facility where the youth was placed then submits a request to the court for issuance of a custody order for the youth. If a youth has been assigned a GPS unit, DYRS's Abscondence Unit uses the GPS device's monitoring capability to locate the youth.

DYRS has drawn widespread praise from facility staff members both for the abscondence reporting system and its efforts to train facilities on using the system.

DYRS reported that it has reduced the length of time it takes to receive custody orders to approximately 24 hours. Additionally, DYRS reported that it has reduced the median length of abscondence from 22 days in FY 2010 to 11 days in FY 2011 to 8 days in FY 2012. DYRS credited this reduction to the implementation of its new abscondence reporting system, as well as other initiatives such as the following:

- co-locating its Abscondence Unit with MPD's and CSS's Absconder Units, and allowing greater collaboration and information sharing amongst these various agencies to respond to abscondences;
- sending Abscondence Unit members to meet with youths in facilities to develop positive relationships and foster trust between youths and unit members; and
- requiring facilities to establish a GPS battery charging protocol to ensure GPS devices are properly charged.

DYRS's Abscondence Unit and electronic monitoring unit also received high praise from facility operators. They specifically commended the unit for the immediate attention it provides, as well as the frequency of visits to facilities by its members. In addition, many facility

¹¹⁷ D.C. Dep't. of Youth Rehab. Services, *Annual Performance Report Fiscal Year 2012*, Apr. 2013, at 22.

¹¹⁸ DYRS requires RTCs and CBRFs outside the District to report abscondences first to DYRS via telephone and then follow a similar procedure as CBRFs located within the District.

REPORTING AND RESPONDING TO ABSCONDENCES

operators stated that they were pleased with and supportive of DYRS's implementation of the GPS program in general.

Despite DYRS's overall performance related to reporting abscondences and locating youths, the OIG team identified three specific findings related to reporting and responding to abscondences, as well as several issues that it believes DYRS should address to continue improving in this area.

5. No clear standards given to youths' families about reporting abscondences.

Background: As Chart 7 (see page 20) indicates, approximately 30% to 40% of youths in abscondence on the four dates for which DYRS provided data had absconded from home placements.

Criteria: Reaching out to family members and involving them as partners in a youth's treatment, rather than keeping families at a distance and treating them as the source of a delinquent youths' problems, is one of the Missouri Model's core principles.¹¹⁹ Under the Missouri Model, familial involvement should extend from the moment a youth is committed through the youth's aftercare transition. The Missouri Model states: "An overwhelming body of research and experience shows that parents and families remain crucial and that effectively engaging and supporting parents is pivotal to successful youth development."¹²⁰

In Missouri, case managers (called service coordinators) meet with families as soon as youths are committed and encourage families to actively collaborate in the youths' case management by, among other activities, setting curfews and establishing other rules to supervise them. Along with this immediate involvement, Missouri requires parents/guardians to sign a document stating: "I have read the conditions of supervision in aftercare. I agree to support the rules of aftercare and accept the care and supervision of [youth's name]. If he or she violates the conditions of this Memorandum I will immediately notify the Service Coordinator [] or their supervisor." A witness must also sign this document.

Condition: Parents/guardians of youths placed at home are rarely reporting abscondences. In addition, parents/guardians of youths who have absconded from community placements are rarely alerting case managers of youths' whereabouts in a timely fashion. DYRS case managers often learn of abscondences through case management activities or from facility staff, rather than from parents/guardians. Interviewees told the team that in extreme cases, parents/guardians have even harbored youths in their homes after their abscondence from

¹¹⁹ **DYRS's October 2013 Response, as Received:**

DYRS considers families to be integral to the development of a young person's treatment plan and actively partners with them in a variety of different contexts. Please also see earlier notes about the importance of engaging families in the treatment process, including the Youth Family Team Meeting process.

¹²⁰ ANNIE E. CASEY FOUNDATION, THE MISSOURI MODEL: REINVENTING THE PRACTICE OF REHABILITATING YOUTHFUL OFFENDERS 34 (2010) (quoting "A ROADMAP FOR JUVENILE JUSTICE REFORM").

REPORTING AND RESPONDING TO ABSCONDENCES

community placements or actually help youths abscond by paying for a means of transportation, e.g., a ticket home.

The problem of parents/guardians not reporting abscondences is especially troublesome when the youth has absconded from his family home because no one other than the parents/guardians may be aware of the incident. DYRS case managers opined that some parents/guardians are not reporting abscondences because they are confused about what constitutes an abscondence. For example, some parents/guardians do not consider a youth being gone for only a night to be an abscondence.

DYRS provides parents/guardians with some information about a youth's treatment.¹²¹ DYRS requires youths who are placed in the community to sign a Community Placement Agreement (CPA). The CPA contains nine general rules for youths to follow and specific requirements related to such areas as curfew, case manager appointments, case manager telephone calls, and school attendance. The CPA contains signature lines for the youth, the youth's DYRS case manager, the DYRS supervisor, the youth's parent(s)/guardian(s), and anyone else that DYRS determines should sign it.

DYRS also created a *Parent/Legal Guardian or Legal Custodian* form. The form includes various provisions including those where the parents/guardians agree to:

- Support the youth in maintaining law-abiding behavior and the mandates of the court order;
- Support the youth in school attendance, behavior, and performance; and
- Require the youth to comply with weekday and weekend curfew.

In addition to these official forms, case managers regularly give parents/guardians brochures or fliers explaining DYRS services. DYRS is also reportedly creating a pamphlet to better educate parents/guardians regarding a youth's commitment.¹²²

Cause: A DYRS senior official and a DYRS senior manager stated that, although DYRS expects parents/guardians to notify the agency when a youth absconds, no formal procedure exists that informs families about how and when to notify DYRS.¹²³ Neither the CPA nor any

¹²¹ **DYRS's October 2013 Response, as Received:**

DYRS provides information to families about DYRS at Youth Family Team Meetings, as well as at an orientation meeting. DYRS has ongoing strategies to involve families in their young person's treatment. DYRS has also hired a full-time family engagement coordinator, who helps guide policy and practice related to engaging and empowering families, as well as, actively reaching out to families to engage them in treatment planning.

OIG Comment: **DYRS subsequently indicated that the employee started working at DYRS on July 15, 2013.**

¹²² **DYRS's October 2013 Response, as Received:**

DYRS has created materials for families and also provide individualized orientation to families whose children are newly committed.

OIG Comment: **Once the OIG receives and reviews these materials, it will close this recommendation.**

¹²³ **DYRS's October 2013 Response, as Received:**

REPORTING AND RESPONDING TO ABSCONDENCES

other agreement or document informs parents/guardians that they must report abscondences immediately, and no document describes the protocols they must follow after an abscondence. Although CPAs contain a space for parents/guardians' signatures, a DYRS supervisor stated that CPAs are rarely signed by parents/guardians, and DYRS does not perform any checks to guarantee that parents/guardians understand what they were signing. A DYRS senior official acknowledged that the CPA may need to be updated to clarify these protocols and that requiring parents/guardians to sign an agreement might be "helpful."

It is important to note that, in general, DYRS lacks legal recourse against parents/guardians for non-compliance. Even if DYRS were to require parents/guardians to sign the CPA, the agency cannot take legal action against parents/guardians for noncompliance with the document's terms. In contrast, parents/guardians of detained youths under CSS supervision may be held in contempt of court for not reporting an abscondence, and thus may be more likely to do so.

Effect: By not clearly explaining to parents/guardians how and when to report abscondences and requesting that they sign a CPA acknowledging their understanding of the necessary steps in reporting abscondences, DYRS has created an environment where parents/guardians are often unaware of their reporting responsibility and ignorant of how to do so. Although getting parents/guardians to report abscondences from any facility is important, getting parents/guardians to report abscondences from family home placements is essential. Untimely reporting could create dangerous situations whereby DYRS is unaware that a youth in its custody has absconded, make tracking and locating absconders more difficult, skew abscondence data, and threaten the health and safety of committed youths.

Accountability: The Chief of Committed Services and the Case Management Division are responsible for ensuring that parents/guardians understand the expectations related to reporting abscondences.

DYRS is not responsible for issuing policy to families. Even if DYRS were to issue such a policy, it would have no means of enforcing compliance. DYRS case managers proactively contact family members if a young person absconds.

OIG Comment: The draft of this report indicated that DYRS had not issued a *policy* to families. The OIG acknowledges DYRS's response regarding their inability to issue a formal *policy*. The OIG amended the statement to indicate that DYRS has not provided a formal *procedure* to families. Although the OIG acknowledges that DYRS may not have the means to enforce compliance, the OIG believes that a formal *procedure* could act as guidance for families, so they know when and how to report an abscondence.

REPORTING AND RESPONDING TO ABSCONDENCES

Recommendation:

That the D/DYRS provide a written procedure to parents/guardians of committed youths before the youths are placed in the community that outlines the expectations and protocols to follow in the event of an abscondence.

Agree _____ Disagree X¹²⁴

6. **DYRS employees and DYRS facility operators do not have a uniform understanding of when an abscondence begins and should be reported.**

Criteria: Several states have clear protocols describing when abscondences begin and when reporting should occur.

Utah’s Department of Human Services Division of Juvenile Justice Policy No 05-01 directs division staff to report any abscondence as soon as possible. It allows case managers the discretion to not take any actions for abscondences that have lasted less than 24 hours.

Tennessee’s Department of Children’s Services Supplemental to Policy 31.2, “Protocol for Reporting Delinquent Runaways, Absconders, and Escapees for DCS Juvenile Justice Case Managers: Custodial Cases,” directs staff members to immediately contact local law enforcement upon determining a youth has absconded. The policy also contains clear instructions regarding the rest of the reporting procedures.

Another state’s juvenile services agency, which asked not to be identified due to the confidential nature of its policy, classifies a youth as a “runaway” when a youth in its custody and placed in a community-based program leaves the grounds of the program without authorization; fails to return to the program within 2 hours from the time specified and authorized; or as soon as the facility has reason to believe that the youth does not intend to return.

Condition: Facility operators generally reported that DYRS has done an adequate job of training their staffs on reporting abscondences and provided them with some written instructions related to new abscondence reporting procedures. Facility operators and DYRS employees gave

¹²⁴ **DYRS’s October 2013 Response, as Received:**

Contradicts family engagement strategies. DYRS is not responsible for issuing policy to families. It has no authority to require families to report abscondences.

OIG Comment: The OIG recognizes DYRS’s inability to issue a policy to families. The OIG believes, however, that issuing a guiding procedure that outlines expectations would be helpful for families to have, regardless of whether DYRS has the authority to require families to report abscondences. Families should have as much information about the proper way and time to report abscondences that DYRS can provide. DYRS must also make it clearly understood that it expects families to report abscondences when they occur.

REPORTING AND RESPONDING TO ABSCONDENCES

the following differing responses, however, when asked when absence reporting procedures should be initiated:

- Immediately;
- Within 15 minutes of when the youth is expected to be somewhere;
- Between 15 minutes and 1 hour of when the youth is expected to be somewhere;
- 1 hour after a youth is expected to be somewhere; and
- 1-2 hours after a youth is expected to be somewhere.

Facility operators also conveyed different ideas regarding how much leeway DYRS gives them to decide whether to report an absence.

A DYRS supervisor acknowledged that facility operators may be confused about these requirements, calling what he/she perceived to be “the one hour target” a “moving target.” He/she continued, “The placement providers ultimately decide when the clock starts ticking.” Another DYRS senior official stated that he/she was aware of the confusing nature of the policies and called DYRS’s policies related to absence “unclear, old, and outdated.”

Cause: Lack of a Single, Consistent Standard for When an Absence Begins: Definitions of absence located in DYRS policies, the DYRS Case Management Manual, the D.C. Code, D.C. Municipal Regulations (DCMR), and D.C. Council testimony by DYRS senior officials are inconsistent. Table 3 on the next page illustrates the inconsistencies from each of these sources.

REPORTING AND RESPONDING TO ABSCONDENCES

Table 3. Inconsistencies in Abscondence Reporting Timeframes

| Source | Abscondence Begins When: |
|--|---|
| D.C. Code § 16-2332(g)(2) (2012) | The D/DYRS must notify the MPD Chief within 1 hour of the abscondence. |
| 29 DCMR § 6225.1 | As soon as possible but in no event later than 24 hours by oral methods and in writing no later than the next business day. ¹²⁵ |
| DYRS Case Management Manual | The case manager must ensure that a custody order is issued and that the DYRS Absconders Unit is informed within 24 hours following the abscondence. ¹²⁶ |
| DYRS Policy 15.12 | Does not specify. |
| YSA 1.14 | Abscondences from a “furlough” ¹²⁷ must be reported immediately. Otherwise, within 2 hours of the incident. |
| D.C. Council testimony from former DYRS Director | After a youth misses curfew by 1 hour. |

Facility operators expressed frustrations to the OIG team regarding DYRS constantly changing abscondence procedures. Both DYRS supervisors and facility operators noted DYRS’s propensity to repeatedly change procedures.

Lack of Accessible, Updated, Organized Central Repository of Policies and Procedures: The OIG team believes DYRS’s lack of an organized central repository of DYRS policies and procedures, that is up-to-date and easily accessible to its vendors, contributes to the facility operators’ confusion. Interviewees reported that DYRS has a tendency to provide facility operators verbal instructions rather than written policies and, when DYRS provides a written policy, it distributes the policy in a piecemeal fashion. A DYRS case manager reported that the agency’s case management manual does not include all DYRS policies and procedures, which may also lead to different supervisors giving different instructions.

DYRS stores its policies and procedures on an agency shared drive called the Y drive. This drive is accessible to all DYRS employees, but it is not accessible to facility operators. DYRS does not store its policies elsewhere on an intranet¹²⁸ or online for the public to access.¹²⁹

¹²⁵ The regulations define an abscondence as “an unusual incident.”

¹²⁶ Case Management Manual, at 25.

¹²⁷ According to YSA 1.14, Appendix B, “AWOL from furlough” is a Class I incident and is defined as, “a youth from a secure or non-secure facility/placement has absconded during a home visit or while away from the facility without direct supervision of program/facility staff.” (Emphasis omitted.)

¹²⁸ The American Heritage Science Dictionary defines “Intranet” as, “A privately maintained computer that only authorized persons can access. Many corporations and institutions, for example, communicate with employees or members through the use of a private intranet.” [Http://dictionary.reference.com/browse/intranet](http://dictionary.reference.com/browse/intranet) (last visited Aug. 13, 2013 (last visited Aug. 13, 2013)).

¹²⁹ For an example of a state using a central repository of procedures open to facilities, see Tennessee’s Department of Children’s Services located at: <http://www.tennessee.gov/youth/dcsguide/policies.htm>.

REPORTING AND RESPONDING TO ABSCONDENCES

High management turnover: During fieldwork, the OIG observed significant turnover among DYRS’s senior managers and senior officials. Table 4 below illustrates the number of different individuals who held senior level and management positions at DYRS from October 1, 2011 to October 1, 2012.

Table 4. Management Turnover in DYRS
October 1, 2011 – October 1, 2012¹³⁰

| <u>Job Title</u> | <u>Number of Individuals Who Served in Position</u> | <u>Comments</u> |
|--|---|--|
| Abscondence/Electronic Monitoring Supervisor | 3 | The OIG team learned of a DYRS employee who left this position shortly before the specified time period as well. |
| Program Manager for Case Management (Supervisory Case Manager) | 4 | One employee held the position officially, left for another position in DYRS, and then again fulfilled the duties of this position while DYRS was looking for someone to staff it. Another employee was merely detailed to this position for a short period of time. |
| Social Services Officer | 2 ¹³¹ | The manager who left this position was transferred within DYRS. |
| Chief of Committed Services | 2 ¹³² | One of these senior officials was merely detailed to this post. He/she left for a similar position within DYRS. |
| Chief of Detained | 2 ¹³³ | Another individual left this position shortly |

¹³⁰ **DYRS’s October 2013 Response, as Received:**

As further specified in the comments below, none of the figures contained in this chart are accurate. DYRS disputes that turnover in these positions has been “excessive” or has created confusion as to the policies in effect.

OIG Comment: The OIG stands by the data in this chart. The data were provided by DYRS. The OIG also stands by its characterization of this turnover as “excessive,” but recognizes that such a characterization is a matter of interpretation.

¹³¹ **DYRS’s October 2013 Response, as Received:**

It is unclear which employees this refers to. Social Services Officers serve in various divisions and capacities throughout the Agency. It is unclear how any turnover in staffing for Social Services Officers would impact abscondence-related activities.

OIG Comment: The OIG intended to refer to the Supervisor of the Referral Placement Unit. DYRS supplied the OIG with a list of managers and senior managers who had responsibilities related to abscondences and placements. In this document, DYRS referred to this officer as a Social Services Officer.

¹³² **DYRS’s October 2013 Response, as Received:**

DYRS has had one Chief of Committed Services since 2011.

OIG Comment: The OIG stands by the data in this chart. The data were provided by DYRS.

¹³³ **DYRS’s October 2013 Response, as Received:**

Only one individual served in this position during the referenced time frame.

OIG Comment: The OIG stands by the data in this chart. The data were provided by DYRS.

REPORTING AND RESPONDING TO ABSCONDENCES

| <u>Job Title</u> | <u>Number of Individuals Who Served in Position</u> | <u>Comments</u> |
|---|---|--|
| Services | | before the specified time period. As of September 2012, this position was vacant and being overseen by the Superintendent for YSC. |
| Chief of Staff | 3 ¹³⁴ | |
| Deputy Director, Youth Programming Division | 2 ¹³⁵ | One of these two individuals left DYRS entirely. |

Facilities and DYRS employees reported that repeated turnover has led to continual changes in agency policy, which causes confusion as to what protocols are in effect. Although some of these positions may not directly oversee absence-related activities, their significance to the agency is such that excessive turnover may influence consistency and cohesion within DYRS. The OIG believes that confusion caused by the lack of written policies and a central repository for existing written policies is exacerbated by the continual turnover.

A DYRS senior official indicated that the turnover had been caused by two primary factors:

- 1) Senior managers have been detailed to DYRS, so they were not meant to be permanent; and
- 2) Uncertainty as to who the Director was going to be existed for several years. Because of this uncertainty, senior managers applied for other positions.

Effect: Facility operators' confusion regarding how quickly they must report absconders may lead to delayed reporting, delays DYRS's response, and hinders its ability to find absconders. For example, a DYRS case manager told the OIG team that he/she once called a group home at 8:00 p.m. to speak with a youth. The facility told him that the youth was expected back at 5:00 p.m., but had not returned. The facility had not yet reported the absence. This type of incident happens frequently, according to the case manager.

¹³⁴ **DYRS's October 2013 Response, as Received:**

Only two individuals served in this position during the referenced time period. DYRS has not eliminated this position, and is actively recruiting to fill it.

OIG Comment: **Although the OIG stands by its data regarding the number of individuals who have served in this position, it acknowledges DYRS's clarification regarding the continued existence of the position. The OIG has revised the report accordingly.**

¹³⁵ **DYRS's October 2013 Response, as Received:**

DYRS has only had one. There was a restructuring where the Agency divided the deputy director duties among three directors.

OIG Comment: **The OIG stands by the data in this chart. The data were provided by DYRS.**

REPORTING AND RESPONDING TO ABSCONDENCES

Accountability: The Director of DYRS is responsible for ensuring that clear policies and procedures are available for the agency’s employees and vendors to reference.

Recommendation:

That the D/DYRS ensure that policies and procedures related to abscondence are consistent, updated, and available in a central repository for employees and vendors to access.

Agree _____ Disagree ¹³⁶ _____

7. DYRS is not optimizing its use of GPS devices.

Criteria: According to the Department of Justice’s (DOJ) Bureau of Justice Assistance, “Offender Supervision With Electronic Technology: Community Corrections Resource,” when implementing new electronic supervision elements, agencies should describe clearly, in written policies, operational issues that explain the GPS’s intended purposes (i.e., why the device is being used), expectations (i.e., what the agency thinks this device will help them achieve), and staff members’ roles. These written policies should include: 1) contact standards between the offender and a case manager/officer (e.g., frequency, method); 2) content of the interactions between the offender and a case manager/officer (i.e., what should happen during meetings); 3) who is expected to respond to violations (both day and night); and 4) how to address technological concerns.

DOJ emphasizes that it is crucial that individuals responsible for making decisions related to placing individuals in GPS programs have clear criteria for including and excluding individuals and make these decisions on a case-by-case basis with the safety of the program participants and the community ultimately guiding the decision. Each GPS program participant’s case must be reviewed carefully.

One state’s GPS policy emphasizes the importance of immediate detection of and response to violations of the Electronic Monitoring Program (EMP) for both public safety and the credibility of the EMP. It emphasizes that EMP services should be capable of providing 24-hour monitoring and be able to verify a violation and contact the necessary authority or offender as soon as a violation occurs.

¹³⁶ **DYRS’s October 2013 Response, as Received:**

Vendors must develop their own policies in consideration of DC policy. DYRS does have a central repository of policy for staff.

OIG Comment: The OIG believes that DYRS must provide its vendors with clear, easily accessible policies regarding abscondences. The OIG believes that vendors must know DYRS’s precise expectations so that all of its vendors are consistently reporting abscondences.

REPORTING AND RESPONDING TO ABSCONDENCES

Condition: As of September 19, 2013, DYRS had assigned GPS devices to 154 youths¹³⁷ who are placed in the community, in CBRFs, and at home. DYRS, however, does not assign GPS devices to all youths placed in the community.¹³⁸

No Criteria for GPS Assignment and Removal: Although requested by the OIG team, DYRS officials were unable to provide objective criteria that delineate when a GPS device should be applied and removed from a youth. Currently, the decision to apply or remove a GPS device is entirely dependent on DYRS case managers' recommendations.¹³⁹ In September 2012, DYRS provided draft procedures for DYRS's GPS program. This document, however, was merely a draft and had not been signed or dated by DYRS's Director. In addition, although the draft policy stated the purpose of the GPS program,¹⁴⁰ what should happen when a device is damaged or removed by a youth,¹⁴¹ and what the case managers' responsibilities are should a youth fall out of compliance with device usage, the draft policy does not enumerate factors a case manager should consider when assigning or removing a GPS device.

DYRS employees expressed different understandings of the purpose of the GPS program. One senior manager claimed that its purpose is to enable DYRS to monitor youths but not to sanction youths. Another manager stated that DYRS does not keep GPS devices on youth beyond 3 months because there is no evidence that supports long-term use of GPS as a behavioral modification tool. Many facility operators viewed GPS as a potential sanction for absconders.

Limited Staff Coverage: The GPS electronic monitoring unit (GPS unit) does not have staff on active duty during weekend and evening hours.¹⁴² If a youth with a GPS device

¹³⁷ **DYRS's October 2013 Response, as Received:**

Please add the timeframe for this data. Updated data: As of Thursday, September 19, 2013 there were 154 youth on GPS.

OIG Comment: **The draft report stated that DYRS had assigned GPS devices to about 175 youths. In its October 2013 Response, DYRS updated that data as of September 19, 2013. The report has been updated to reflect these more current data.**

¹³⁸ **DYRS's October 2013 Response, as Received:**

Youth in Awaiting Placement in the community and youth at PIW are also wearing GPS Devices.

¹³⁹ **DYRS's October 2013 Response, as Received:**

This may be accurate, but the conditions for rehabilitation differ from those for corrections. Treatment needs and progress play a significant factor in determining when GPS is needed and can be discontinued – can't use a one-size-fits-all approach.

¹⁴⁰ The purpose of the program is to supervise at-risk youths in DYRS custody by maintaining constant knowledge of the whereabouts of the youths enrolled in the program and setting parameters as to where the youths can and cannot go.

¹⁴¹ **DYRS's October 2013 Response, as Received:**

DYRS currently has a written protocol related to what should happen when a GPS device is damaged or removed by a young person.

OIG Comment: **The OIG acknowledges that DYRS has this written protocol, just as the text indicates. The OIG is concerned that the policy does not enumerate factors a case manager should consider when assigning or removing a GPS device.**

¹⁴² **DYRS's October 2013 Response, as Received:**

This statement is inaccurate. DYRS staff are available during the weekend and evening hours to monitor GPS. There

REPORTING AND RESPONDING TO ABSCONDENCES

absconds during one of these times, a member of the GPS unit must return to the office to assist in locating the youth. If the GPS device must be affixed to a youth outside normal working hours, a member of the electronic monitoring unit must return to the office to apply it. Interviewees repeatedly told the OIG team that the GPS unit is comprised of dedicated employees who are willing to assist when needed, even when they are not officially on duty. DYRS lacks contingency provisions for such instances.¹⁴³

Limited Access to Monitoring Equipment: DYRS does not provide GPS unit employees with computers to access the monitoring system remotely. If a facility provider asks for DYRS's help with locating a youth, a GPS unit employee must return to the DYRS office or use his/her home computer (if available) to track the youth. A DYRS senior manager reported that DYRS's GPS technology vendor may provide unit members with tablet computers, but as of the conclusion of OIG fieldwork, the use of tablets had not been implemented.

Vandalism, physical limitations of GPS devices: A GPS device is attached to a youth's ankle with a heavy gauge rubber strap that has embedded sensors. Reportedly, youths can easily cut off GPS devices using household implements, but when the bands are cut, the sensors send a tampering alert to the GPS unit.

Facility operators also expressed concerns about the quality of the battery in GPS devices. Although interviewees noted that they were pleased that the GPS unit communicates with the facility when a device's battery runs low, interviewees reported that keeping the batteries charged is challenging. When youths are on home visits, the task is increasingly difficult because, even if the youth's parents/guardians are instructed to ensure that youths charge their GPS, DYRS and its facility operators have no way to ensure that it is happening. Interviewees also complained that the GPS devices are not waterproof.

Consequences of vandalizing GPS devices: When a youth tampers with a GPS device, he/she may be charged with a criminal offense under D.C. Code § 22-1211 (LEXIS through Apr. 1, 2013). In addition, according to a contract that youths sign before a GPS device is applied, a youth acknowledges that he may be punished for tampering with the device in accordance with D.C. Code § 22-1211, which allows for imprisonment for not more than 180 days and/or a fine of not more than \$1,000.

are numerous instances in which staff have taken action to locate a young person who has absconded.

OIG Comment: The OIG asked DYRS to clarify what "available" means in this context. DYRS responded: "DYRS staff members are designated to be 'on call' and they are able to monitor these devices remotely." This response is in line with the OIG's statement that DYRS members must return to the office to address off-hours incidents. The OIG stands by its statement that the GPS unit "does not have staff on active duty during weekend and evening hours."

¹⁴³ **DYRS's October 2013 Response, as Received:**

This statement is unfounded because DYRS has staff who monitor GPS during the weekend and evening hours.

REPORTING AND RESPONDING TO ABSCONDENCES

Cause: DYRS has not issued formal, written policies outlining how it decides to assign or remove GPS devices. The draft GPS program policy that DYRS provided to the OIG team is incomplete and also lacks these criteria.

The GPS unit lacks the necessary staff to enable it to monitor youths on GPS devices during evening hours and weekends. Several interviewees reported that the GPS unit would benefit greatly from having additional staff to cover the weekends and late evening hours.

Removing a GPS device reportedly is easy. The flimsy straps that hold the device to a youth's leg are easily removed with a knife or scissors. This problem is not unique to DYRS; other jurisdictions also struggle with preventing this type of tampering.¹⁴⁴ The lack of reasonable alternatives to these straps heightens the importance of enacting meaningful consequences for tampering. Although DYRS is informing youths of consequences for tampering with GPS units, it is not regularly holding youths criminally or financially responsible for destroying the devices.¹⁴⁵ Interviewees reported that DYRS often returns absconders who tamper with GPS devices to the same or similar community placements with another device, even after multiple tampering incidents. The lack of criminal enforcement combined with the ease of cutting devices has made cutting GPS devices a significant problem.

Effect: Without clear policies and procedures, DYRS case managers may not assign or remove GPS devices consistently. Additionally, the confusion regarding the overall purpose of the program may result in additional inconsistencies. For example, if one case manager believes the GPS device is to be used as a behavior modification tool, he/she may apply different criteria for when a device should be applied or removed than a case manager who believes the GPS device is to be used for monitoring alone. The OIG team is concerned that, without a more consistent application of formalized standards or a formalized statement of purpose, DYRS may neglect to outfit youths who require more intensive monitoring or neglect to remove GPS devices from youths who no longer require this level of monitoring.¹⁴⁶

¹⁴⁴ See, e.g., Mike Luery, *GPS bracelet tampering on the rise in California*, KCRA.com, Feb. 11, 2013, available at <http://www.kcra.com/news/GPS-bracelet-tampering-on-the-rise-in-California/-/11797728/18504960/-/gave0l/-/index.html?absolute=true> (last visited Aug. 22, 2013).

¹⁴⁵ **DYRS's October 2013 Response, as Received:**

DYRS may submit a request that a young person be prosecuted for tampering with the device, but OAG decides if they will proceed with charges. Also, in the past the court has ordered a young person to repay the agency for a destroyed device.

¹⁴⁶ **DYRS's October 2013 Response, as Received:**

GPS devices are not behavior modification tools. In addition, DYRS is careful to assess each young person's situation before requiring a GPS be worn. Therefore, formalized standards are likely to undermine DYRS' ability to make case-by-case decisions regarding GPS.

OIG Comment: **The OIG believes that drafting a statement of purpose for the use of GPS would help clarify why a youth should have one assigned to him/her. DYRS has begun to do that by stating that "GPS devices are not behavior modification tools." The OIG emphasizes that formalized standards do not need to be rigidly written. Listing what general criteria should be used by case managers, however, should better assure DYRS that case managers are not using GPS's as behavior modification tools, and are consistently evaluating youths to determine who should wear a GPS device.**

REPORTING AND RESPONDING TO ABSCONDENCES

DYRS's lack of around-the-clock coverage¹⁴⁷ may delay its response to facilities reporting an absence. Time that a GPS unit member spends returning to DYRS's office may make locating absconders increasingly difficult. Delays in response time make it more likely that GPS device batteries die, give an absconder time to remove the device, and in some instances, give an absconder an opportunity to commit a crime before being located.

The lack of consequences for tampering with GPS devices and the ease with which youths can remove GPS devices make vandalism of the GPS devices more likely.

In addition to issues related to absence, destruction of GPS devices costs DYRS significant money to replace devices and strains the GPS unit's resources by making locating absconders more time-consuming.

Accountability: DYRS's Committed Services Department is responsible for issuing formal procedures related to GPS monitoring and providing sufficient staff for the GPS unit to perform its duties. The Committed Services Department is responsible for imposing sanctions on youths who have tampered with GPS devices or recommending sanctions to the court.

Recommendations:

That the D/DYRS:

- (1) formalize procedures for its GPS electronic monitoring program that include the objective(s) of GPS monitoring, criteria and procedures for assigning and removing GPS devices, approval processes for assigning devices, and sanctions against youths for tampering with GPS devices;

Agree _____ Disagree X

- (2) assess staffing levels of the GPS monitoring unit to ensure proper coverage exists 24 hours per day, 7 days per week; and¹⁴⁸

Agree _____ Disagree _____

¹⁴⁷ **DYRS's October 2013 Response, as Received (amended following clarification by DYRS):**

DYRS staff receives the alerts via cell phone. In addition, the vendor provides 24 hour support and will also notify the youth and/or family if there is any issue. After hours, these DYRS staff members are on call. CBRFs utilize OUC to report abscondences. MPD is notified by way of OUC.

OIG Comment: **The OIG stands by its statement that DYRS's response to facilities reporting abscondences may be delayed due to staff members expending time returning to the DYRS office.**

¹⁴⁸ **DYRS's October 2013 Response, as Received:**

DYRS has already assessed staffing levels related to GPS monitoring.

OIG Comment: **In its response, DYRS indicated it had "completed" this recommendation. Once the OIG reviews recent work schedules to confirm that the GPS monitoring unit is being covered 24 hours per day, 7 days per week, this recommendation will be closed.**

REPORTING AND RESPONDING TO ABSCONDENCES

- (3) explore whether alternative GPS devices exist that would be more difficult to cut and remove.

Agree _____ Disagree _____ **X**¹⁴⁹

Other Issues Related to Reporting and Responding to Abscondences

The OIG team found additional issues related to reporting and responding to abscondences through its own observations and interviews with stakeholders, and received the following suggestions.

- **Repeat Absconders** – Interviewees proposed that DYRS require GPS devices for all youths who have a history of absconding. Interviewees also proposed that DYRS require a youth to wear a GPS for a longer period if the youth allows the GPS’s battery to lose its charge.¹⁵⁰
- **Active Monitoring by GPS Unit**¹⁵¹ – Interviewees suggested that DYRS’s GPS unit actively monitor youths, i.e., use youths’ pre-determined schedule to check at certain intervals whether youths are where they are supposed to be, and then proactively notify facilities if they are not.
- **Access to GPS Data for Facilities** – Interviewees proposed that facilities’ program directors be given access to real-time GPS data to monitor the whereabouts of its youths to avoid having to regularly involve DYRS’s Abscondence Unit.
- **Abscondences vs. Curfew Violations** – A number of interviewees proposed that DYRS explicitly differentiate between “abscondences”—where youths run away with the intent of leaving permanently or stay out for an extended period of time or overnight—and “curfew violations,” where youths merely do not return to the facility timely.

¹⁴⁹ **DYRS’s October 2013 Response, as Received:**

Young people enter into an agreement with DYRS regarding GPS. If the agreement is broken, there are consequences. The GPS device itself is not a behavior modification tool and so purchasing new GPS devices would have no impact on a youth’s behavior.

¹⁵⁰ **DYRS’s October 2013 Response, as Received:**

There is no evidence that requiring a young person to wear a GPS for longer periods of time has a deterring effect. In addition, GPS is not a behavior modification tool and, therefore, would have no impact on a young person’s future behavior.

¹⁵¹ **DYRS’s October 2013 Response, as Received:**

Every youth has a curfew in the system and may also have an inclusion zone. If a youth is outside the inclusion zone, the case manager will receive an alert via their phone. Once notification is received, the case manager or staff from the GPS unit will contact the youth and family to determine the whereabouts of the youth. Please note the GPS provider also contacts the youth to address the violation.

REPORTING AND RESPONDING TO ABSCONDENCES

- **Further Automating Facility Reporting** – Interviewees proposed that DYRS enable facilities to submit Unusual Incident forms via email rather than having to fax them. Also, interviewees proposed that DYRS allow facilities to remove a youth from abscondence status via the 311 system.
- **Associates’ Contact Information** – Interviewees proposed that DYRS require case managers and facility operators to keep contact information for youths’ friends and families so that when abscondences occur, facilities will have information to explore potential leads quickly.¹⁵²
- **Communication After Abscondences** – Interviewees asked that DYRS promptly inform facilities after an absconder is taken back into custody.

DYRS should review these suggestions and consider their utility.

¹⁵² **DYRS’s October 2013 Response, as Received:**

Case managers contact family members to locate a young person who absconds. However, DYRS is careful to ensure that relying on family and natural supports to locate youth does not inherently undermine agency efforts to engage families and natural supports in the treatment of a young person. Please provide any evidence that this tactic would be research-based and not in conflict with other agency goals.

OIG Comment: When a youth absconds, DYRS’s primary goal should be to find and return that youth to its custody. The OIG believes that having resources on hand to quickly contact people who may have an idea where the absconder is located is not “in conflict with agency goals.” Rather, the OIG believes that it is a logical first step to reduce the length of an abscondence and return the youth to a place where his/her rehabilitation can continue. DYRS indicates in its comment contained in footnote 123 of this report that “DYRS case managers proactively contact family members if a young person absconds.” Interviewees are merely suggesting that case managers and facility operators keep that contact information updated and include contact information for friends as well to expedite this process.

APPENDICES

APPENDICES

Appendix 1

APPENDICES

List of Findings and Recommendations Presented in this Report

Summary of Management Alert Report 12-I-003

That the Director of DYRS (D/DYRS) provide the Inspector General with an up-to-date summary of all actions taken to establish and convene the JARC, and the dates of all JARC meetings that have been held or are planned.

Monitoring Youths and Preventing Abscondences

1. **DYRS case managers monitor youths inconsistently; management's oversight of case managers' contacts with DYRS youths is inadequate.**

That the Director of the DYRS (D/DYRS):

- (1) ensure that DYRS case managers conduct monitoring visits at the frequency required by DYRS policy and that DYRS supervisors take corrective actions or progressive disciplinary actions when needed;
- (2) ensure that sufficient travel funds exist for case managers to meet with youths as prescribed, particularly with those youths residing out-of-state, and that DYRS assess the feasibility of using technology, like video conferencing, for periodic contacts;
- (3) develop management performance reports that will allow supervisors to quickly and accurately determine whether case managers are visiting youths at required frequencies; and
- (4) assess the feasibility of altering case managers' tours of duty so that contacts can occur on weekends and evening hours when youths may be more available.

2. **DYRS had not consistently identified or analyzed the reasons why specific youths absconded.**

That the D/DYRS:

- (1) review and modify the Abscondence Recovery Questionnaire to include questions related to whether a youth has previously absconded, how many times the youth has absconded, and whether the youth absconded for the same reason(s) multiple times;
- (2) ensure that the Abscondence Recovery Questionnaire is routinely completed, the information gathered is analyzed, and the results are shared with relevant parties within DYRS and placement facilities; and

APPENDICES

- (3) implement a policy guiding the distribution of the Abscondence Recovery Questionnaire, the analysis of the data, and the dissemination of the data to placement facilities.

3. **The number of residential facilities in the District that are able to address DYRS youths' therapeutic needs is inadequate. The lack of local placement opportunities may increase the likelihood of abscondence by DYRS youths placed far from home.**

That the D/DYRS:

- (1) assess whether it needs additional beds in secure facilities for females; and
- (2) analyze and issue a public report on the feasibility of building and operating an RTC in the District that could adequately address more DYRS youths' mental health and substance abuse needs, thereby reducing the District's reliance on distant RTCs.

4. **DYRS's use of possibly outdated risk assessments to make placement decisions after a youth's initial placement is deficient and may lead to abscondences.**

That the D/DYRS:

- (1) develop an SDM risk re-assessment that takes into account a youth's progress in DYRS's program and implement procedures for its use; and
- (2) explore whether an assessment that takes into account factors beyond a youth's likelihood of re-offending exists.

Reporting and Responding to Abscondences

5. **No clear standards given to youths' families about reporting abscondences.**

That the D/DYRS provide a written procedure to parents/guardians of committed youths before the youths are placed in the community that outlines the expectations and protocols to follow in the event of an abscondence.

6. **DYRS employees and DYRS facility operators do not have a uniform understanding of when an abscondence begins and should be reported.**

That the D/DYRS ensure that policies and procedures related to abscondence are consistent, updated, and available in a central repository for employees and vendors to access.

APPENDICES

7. **DYRS is not optimizing its use of GPS devices.**

That the D/DYRS:

- (1) formalize procedures for its GPS electronic monitoring program that include the objective(s) of GPS monitoring, criteria and procedures for assigning and removing GPS devices, approval processes for assigning devices, and sanctions against youths for tampering with GPS devices;
- (2) assess staffing levels of the GPS monitoring unit to ensure proper coverage exists 24 hours per day, 7 days per week; and
- (3) explore whether alternative GPS devices exist that would be more difficult to cut and remove.

Appendix 2

APPENDICES

EXHIBIT 1

SOUTH CAROLINA DEPARTMENT OF JUVENILE JUSTICE Custody, Placement, and Supervision Levels with Available Programs/Enhancements/Services

| Custody/ Placement Levels | Super- vision Levels | Description of Levels | Available Programs/Enhancements/Services |
|--|----------------------------|--|--|
| A Community Non-residential | 1 | <p><i>Standard</i></p> <ol style="list-style-type: none"> 1) 1 face-to-face contact per month with the juvenile. 2) 1 contact, by phone or home visit, with the Parent/Guardian per month. 3) GPS Monitoring, Home Guard anklet can be used if deemed appropriate; Consider Voice Monitoring as an alternative. 4) Educational Provider will be contacted monthly by phone. 5) Employer will be contacted monthly by phone. 6) The Case Management Plan will be updated quarterly. 8) Quarterly staffing will be held to determine incentives and sanctions. | <p>Wrap Around Services Intensive Family Services (IFS) Treatment-specific aftercare (i.e., independent living, AOD, sex offender, employability)</p> |
| A Community Non-residential | 2 | <p><i>Moderate</i></p> <ol style="list-style-type: none"> 1) 2 face-to-face contacts per month with juvenile for a minimum of one month. 2) 1 contact per month by phone or home visit with the Parent/Guardian; 3) GPS Monitoring, Home Guard anklet can be used, if deemed appropriate; Consider Voice Monitoring as an alternative. 4) Educational Provider will be contacted every other week by phone. 5) Employer will be contacted every other week by phone. 6) Case Management Plan will be reviewed monthly and staffed quarterly with Supervisor and Planning Review Team. 7) Monthly Staffings will be conducted to determine incentives and sanctions. | <p>Wrap Around Services Intensive Family Service Specific targeted treatment, (Independent living, AOD, Sex Offender, Employability, etc.)</p> |
| A Community Non-residential | 3 | <p><i>Intensive</i></p> <ol style="list-style-type: none"> 1) Contacts with the juveniles: Daily contact during the first week 2 of which must be face to face, 1 of which must be in the home. During week 2 to Week 12: 1 face to face per week, one of which must be in the home, on Monday through Friday during non-traditional work hours, before 8:30 a.m. or after 5 p.m. and one of which must be on a Saturday or Sunday each month. Intensive continues for a minimum of 3 months. 2) 2 contacts per month, one of which is face to face with the Parent or Guardian. | <p>Intensive Family Services and Multi-systemic Therapy (where available and appropriate)</p> <p>Treatment-specific aftercare (i.e., Independent living, AOD, sex offender, employability)</p> |

APPENDICES

| Custody/ Placement Levels | Super- vision Levels | Description of Levels | Available Programs/Enhancements/Services |
|--|----------------------------|--|--|
| | | <p>3) First 30 days the juvenile will be on House Arrest. In 2 weeks, a review may occur to continue or discontinue House Arrest. May use electronic monitoring, GPS, curfew or Voice monitoring as deemed appropriate.</p> <p>4) Educational Provider will be contacted weekly.</p> <p>5) Employer will be contacted once per month by phone or face to face.</p> <p>6) The Case Management Plan will be developed within 30 days of assignment and reviewed every 30 days.</p> <p>7) Monthly staffing will be conducted to determine incentives and sanctions.</p> | |
| B Community Residential | 4 | Juveniles live and receive services in a therapeutic foster home or community-based group care facility. | <p><u>Therapeutic Foster Care and Therapeutic Foster Care De-escalation</u> Alston Wilkes Society The Bair Foundation Family Preservation Community Services Growing Home Southeast, Inc. Lutheran Family Services SC Youth Advocate Program SC Mentor, Inc. Specialized Alternatives for Families and Youth of SC, Inc.</p> <p><u>Group Care</u> Carolina Children's Home (Supervised Independent Living) Florence Crittenton Greenhouse Helping Hands (Supervised Independent Living) Jenkins Institute for Children (Supervised Independent Living) John de la Howe – Public and In-house Schools New Foundations Cluster (Supervised Independent Living) New Foundations Pathways (Supervised Independent Living) Sea Haven Southeaster Children's Home (Supervised Independent Living) Wil Lou Gray Opportunity School Comparable Services of Other Child-Serving Agencies</p> |

APPENDICES

| Custody/ Placement Levels | Super- vision Levels | Description of Levels | Available Programs/Enhancements/Services |
|--|----------------------------|--|--|
| B Community Residential | 5 | Juveniles live and receive services in a community-based group care facility that provides an intermediate level of care or comparable services. | Ellen Hines Group Home Fair Play- In house school Jenkins Institute for Children (Intermediate) Southeastern Children's Home Wilderness Way Camp School- In-house school Comparable Services of Other Child-Serving Agencies |
| B Community Residential | 6 | Juveniles live and receive services in a community-based group care facility that provides: <ol style="list-style-type: none"> 1. An Intermediate Level of Care or comparable services 2. 24 hour Alert Supervision | Glenn Springs Academy Lancaster Children's Home (Boys and Girls) Comparable Services of Other Child-Serving Agencies |
| B Community Residential | 7 | Juveniles live and receive services in a community-based group care facility that provides: <ol style="list-style-type: none"> 1. Intensive Level of Care or comparable services 2. 24 hour alert supervision | Alston Wilkes Carolina Children's Home Carolina Youth Development Lancaster Children's Home (Girls) Lutheran Family Services Aull Manor Girls Aull Manor Boys Mikell's Run Victory House New Beginnings Clearview New Beginnings Cloverleaf New Foundations Turning Point Comparable Services of Other Child-Serving Agencies |
| B Community Residential | 8 | Juveniles live and receive services in a community-based group care facility that provides: <ol style="list-style-type: none"> 1. Intermediate Level of Care or comparable services 2. 24 hour alert supervision 3. In House School 4. If the juvenile is on transfer status the program agrees not to allow passes or home visits and provide staff supervision at all times. | Beaufort Marine Institute Billie Hardee Group Home Camp Aspen Camp Bennettsville Camp Ghigau Camp Sandhills Camp White Pines Clemson Youth Development Center (Community Support Level of Care) Generations Bridges Intermediate Georgetown Marine Institute Glenn Springs Academy Piedmont Wilderness Institute Comparable Services of Other Child-Serving Agencies |
| B Community Residential | 9 | Juveniles live and receive services in a community-based group care facility that provides: <ol style="list-style-type: none"> 1. Intensive Level of Care or comparable services 2. 24 hour alert supervision 3. In House School | Ashleigh Place Avalonia Avalonia (C.I.T.Y.) Carolina Children's Home Carolina Children's Home- (De-escalation) |

APPENDICES

| Custody/ Placement Levels | Super- vision Levels | Description of Levels | Available Programs/Enhancements/Services |
|--|----------------------------|---|--|
| | | 4. If the juvenile is on transfer status the program agrees not to allow passes or home visits and provide staff supervision at all times. | Crossroads Excalibur Generations Bridges Generations Horizons Lighthouse Care Center of Augusta Lighthouse Care Center of Conway New Foundations New Foundations-(De-escalation) Pine Grove, Inc. Pinelands Seacoast Academy Windwood Farm Home Comparable Services of Other Child-Serving Agencies |
| C Minimum/ Medium Custody | 10A | The juvenile will live and receive life skills and reintegration services in a transition unit facility that provides 24-hour alert supervision. Juvenile movement and activities will be supervised. The juvenile count will be conducted a minimum of 4 times per day. The juvenile will attend a DJJ-operated school. The juvenile may move about the common areas of their dorm, unless otherwise directed by staff. Mechanical restraints are required when transporting the juvenile outside of the secure fence. | Girls Transition Unit |
| C Medium Custody | 10B | Juveniles live and receive services in a secure facility with 24-hour alert supervision. Juvenile movement and activities will be Staff controlled. Mechanical restraints will be required when transporting a juvenile outside the perimeter fence. Count will be conducted 4 times per day. The juvenile will attend a DJJ-operated school. The juvenile may not move about the dorm without staff permission and within sight or within sound supervision of staff. | Broad River Road Complex Facility (Birchwood, Willow Lane, and J.G. Richards) Upstate Evaluation Center Coastal Evaluation Center Midlands Evaluation Center |
| C Medium/ Maximum Custody | 11 | Level 11 is a transition program from Level 12 to Level 10. The adjudicated juvenile will be assigned to a locked-secure facility with 24-hour supervision. Juvenile movement and activities are staffed controlled. Mechanical restraints are required when transporting juveniles outside the secure fence and juvenile count is a minimum of 4 times per day. School will be located within the dorm. Staff will accompany the juvenile in movement within the dorm. Restrictive sanction levels (e.g., phone calls, visitation, canteen, personal property) will be based on the juvenile's behavior. | Short-Term Aggressive Replacement (STAR) Program is located in the Omega Unit of the Willow Lane Institution |

APPENDICES

| Custody/ Placement Levels | Super- vision Levels | Description of Levels | Available Programs/Enhancements/Services |
|---|--|---|---|
| <p style="text-align: center;">C Maximum</p> | <p style="text-align: center;">12</p> | <p>The juvenile will be committed to DJJ and classified as requiring close supervision in maximum (physically secured) confinement. The juvenile will attend a self-contained school and require staff supervision for all movement. Any movement outside the confines of the unit itself will require mechanical restraints. Restrictive sanction levels (e.g., phone calls, visitation, canteen, personal property) will be based on the juvenile's behavior.</p> <p>Level 12 will be assigned to a Special Management Unit (SMU) for one (1) or more of the following reasons:</p> <ul style="list-style-type: none"> - The juvenile is in Suicide Precaution, Suicide Watch, or Crisis Intervention status for a serious mental health condition. - The juvenile committed by the Court of General Sessions and who is pending transfer to the Department of Corrections for a serious or violent offense or more than a five-year sentence. - A juvenile found guilty through a Disciplinary hearing for a major offense(s), and confined for a specific period of time. - A juvenile placed on administrative hold by the Deputy Director for Rehabilitative Services for an indeterminate period of time for pending investigations for serious violent offenses or chronic aggressive or assaultive behavior. | <p>Special Management Units</p> |
| | | | |

Appendix 3

APPENDICES

October 17, 2013

Charles J. Willoughby
Inspector General
Office of the Inspector General
Washington, DC

RE: Report of Special Evaluation: Department of Youth Rehabilitation Services.

Dear Mr. Willoughby,

Thank you for the time and attention that the Office of the Inspector General (OIG) contributed to the September 2013 report concerning abscondences of youth committed to the Department of Youth Rehabilitation Services ("DYRS"). After a careful review of the report, the Agency has noted a number of inaccuracies and areas requiring clarification on the attached redlined version.


Additionally, the Agency makes the following overarching observations regarding the report's contents:

- **Lack of Relevancy:** It is unclear how much of the information contained in this lengthy report relates to the subject of this investigation. Despite the lack of relevancy, DYRS has sought to correct inaccuracies on the attached redline.
- **Outdated information:** Since OIG began its investigation, DYRS has made a number of changes to policy and practice that have further reduced the number of young people who abscond from their community-based placements. Thus, many of the specific findings and/or recommendations in the report have already been addressed or explored. As just one example, beginning in FY13, Requests for Proposals for non-local facilities require video conferencing capabilities. Additionally, the report contains outdated data regarding the committed population and abscondences. DYRS has provided updated data in comments on the attached redlined version.
- **Gaps in interviewee and source information:** The report repeatedly references "senior DYRS officials" and DYRS staff, but does not disclose which staff or DYRS officials were actually interviewed. OIG may have interviewed a number of staff for this report who did not have the most current or accurate information about the Agency's policies, procedures, and practices.
- **Confusion about secure and non-secure facilities:** While the report makes specific mention of the distinction between escapes and abscondences, it also refers repeatedly to "abscondences" from RTCs. Because an RTC is a secure facility, if a young person leaves that facility, it is an escape. DYRS believes data concerning abscondences from RTCs is conflated with those from community-based residential facilities. Nonetheless, DYRS provided updated data.

Considering the amount of inaccurate and outdated information contained in this report, DYRS requests an opportunity to review this report with your office in person to ensure these discrepancies are corrected. Please let me know when such a meeting would be possible.

Thank you for your attention to this matter.

Sincerely,


Stephen Luteran,
Deputy Director, DYRS